

104

BOSNIAN REFUGEES

Y 4. IN 8/16:B 65/5

Bosnian Refugees, 104-1 Hearing...

HEARING

BEFORE THE

SUBCOMMITTEE ON

INTERNATIONAL OPERATIONS AND HUMAN RIGHTS

OF THE

COMMITTEE ON

INTERNATIONAL RELATIONS

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTH CONGRESS

FIRST SESSION

SEPTEMBER 28, 1995

Printed for the use of the Committee on International Relations



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BOSNIAN REFUGEES

THURSDAY, SEPTEMBER 28, 1995

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN
RIGHTS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:15 p.m. in room 334, Cannon House Office Building, Hon. Christopher H. Smith (chairman of the subcommittee) presiding.

Mr. SMITH. The subcommittee will come to order.

Since the Subcommittee on International Operations and Human Rights was organized at the beginning of this Congress, we have devoted substantial attention on the plight of refugees. We have had several hearings and briefings on the State Department's refugee programs, on problems pertaining to refugees in Southeast Asia, and to the victims of forced abortion and forced sterilization in the People's Republic of China.

Today we turn our attention to the former Yugoslavia.

The Helsinki Commission, which I also chair, has held numerous hearings on human rights issues in the Balkans; but this is the first hearing to focus specifically on refugees from that area.

Hundreds of thousands of people in the former Yugoslavia have suffered the loss of their homes and the breakup of their families in the 4 years that the war in that region has gone on.

As the Bosnian-Serbs have carried out "ethnic cleansing" of Bosnia, Bosnian Muslims have been forced onto the roads with nothing more than what they can carry.

Often, bands of Bosnian Muslim refugees consist mainly of women, children, and old men. The men of military age have been taken away separately, perhaps to torture and death; and their loved ones are in anguish to know what has become of them.

At present, 8,000 men remain unaccounted for as a result of the Bosnian-Serbs' seizure of Srebrenica and Zepa. Obtaining an accounting for these men is one of the most urgent agenda items for refugee policy in the former Yugoslavia.

Yet the plight of the refugee knows no ethnic distinction. Early in the war, Croats were forced out of their homes and towns by Serb insurgents. Recently, as the fortunes of war have shifted, Serbs have increasingly become refugees themselves, as the Croatian army and the Bosnian Muslim-Croat federation have advanced on territory that the Serbs had held. This is a human problem, not a Bosnian, Croat, or Serb problem.

All the same, different groups of refugees may have different needs. Bosnian Muslims who are victims of "ethnic cleansing" and who left one step ahead of a Bosnian Serb bayonet clearly cannot go back to Serb-controlled territory. They will need resettlement.

In contrast, some experts maintain that the Krajina Serbs can, in fact, go back to their homes in Croatia. Although the primary focus of this hearing is protection and resettlement of refugees from Bosnia, I understand some of our witnesses also may have comments on Krajina.

I am concerned that the United States may not be setting the example that it should in the whole area of refugee protection. This is especially so with regard to Bosnian Muslim refugees, who, as I think our witnesses will testify, have borne the heaviest burden of suffering in the Balkan wars. We have not yet resettled even the relatively small number of Bosnian refugees that have undertaken to resettle.

The resolution of the war in the former Yugoslavia and the beginning of reconstruction in that region will require that the refugee problem be dealt with humanely and expeditiously. This means that many nations will have to contribute to the solution. Many already have: Germany has absorbed 180,000 Bosnian refugees; Austria, the Netherlands, Denmark, Sweden, and Norway have absorbed tens of thousands each. Other nations will have to pitch in.

If the United States is to motivate them to do so, we cannot at the same time make severe cutbacks in our own intake of refugees; yet I am afraid that is the way we are heading.

I am concerned as well that the United States is using the office of the United Nations High Commissioner for Refugees as a gatekeeper, rather than as a resource. The UNHCR's advice is always valuable, but I have grave questions about delegating to it a large measure of control over our refugee policy in Bosnia, which we have done by requiring almost all Bosnian refugees to be screened by the UNHCR in order to be considered by the U.S. Refugee Resettlement Office.

I am also concerned about the widening use by the UNHCR of terms such as "prevent" and "preventive" in regard to refugees.

One of our witnesses, Mr. Frelick, pointed out in a 1992 article in the "International Journal of Refugee Law" that the UNHCR has moved in the direction of something called preventive protection. In theory, this means intervening to prevent the type of persecution that could lead to increased numbers of refugees. But in practice—as Mr. Frelick points out—it also allows unscrupulous suppressors to blackmail the UNHCR into helping to remove ethnic cleansing victims from their homes and from their countries.

"Prevent" is the wrong word altogether in connection with people forced by persecution to leave their homelands. We should, of course, strive to prevent the persecution itself; but if we fail, it is neither our mission nor our right to prevent refugees from seeking freedom.

"Prevention" is what you do to tooth decay or forest fires. "Protection" is what you are supposed to do to refugees.

We have four distinguished and knowledgeable witnesses to help us with these issues today; and I, like other members of this sub-

committee and those who will read this record, look forward to the testimony the day will provide.

I would like to, at this point, ask Mr. Salmon, the gentleman from Arizona, if he wishes to make any comments.

Mr. SALMON. I would just like to commend the Chairman of this committee for this opportunity to look at a very, very pressing issue.

I was in Israel about a month ago, and I know that even Israel is trying to put together some plans to deal with the Bosnian refugees. And it pleases me that many countries are looking for proactive solutions and are trying to help these people with this tragic plight.

It is my hope that as we go forward, our administration will be sympathetic, as sympathetic I think as many other countries have ended up being.

I also hope that the peace talks will be fruitful and that ultimately there will be a situation over there that does not necessitate the refugee situation.

So I am encouraged that this hearing is taking place, and I commend you for your leadership.

Thank you.

Mr. SMITH. Mr. Salmon, thank you very much for your comments.

I would like to welcome our first witness, Ambassador Brunson McKinley. He was member of the American Foreign Service. He is serving in the Bureau of Population, Refugees, and Migration.

He has served overseas on official assignments since 1973. Ambassador McKinley was the Deputy Executive Secretary of the Department of State from 1983 to 1986. He also served as U.S. Ambassador to Haiti from September 1986 through November 1989.

From 1990 to 1991, Ambassador McKinley was the Deputy for Policy in the Bureau of European and Canadian Affairs of the Department of State.

Mr. Ambassador, welcome to the Subcommittee.

STATEMENT OF HON. BRUNSON MCKINLEY, DEPUTY ASSISTANT SECRETARY OF STATE FOR THE BUREAU OF REFUGEE PROGRAMS, DEPARTMENT OF STATE

Mr. MCKINLEY. Thank you very much, Mr. Chairman. It is a pleasure to be here today, and I look forward to the discussion that will follow my statement and the opportunity to comment on some of the interesting points that you have made in your opening statement.

I have brought with me a statement and, with your permission, Mr. Chairman, I would ask if I could enter that into the record.

Mr. SMITH. Without objection it will be made a part of the record.

Mr. MCKINLEY. I apologize for not giving you the normal 24 hours advance on this, but we were putting this together a bit late in the day.

Rather than read the statement, I thought I would attempt to bring out what I consider the three major points from it and then go into a discussion, if that is acceptable to you.

I think that the nub of the matter can be stated with three propositions:

One, looking at the past. The humanitarian effort in Bosnian has been big, on the whole quite successful, and something for us to be proud of.

My second point, which is, unfortunately, of current interest, is to point to the fact, as you have done yourself in your opening statement, of the mistreatment of populations, the civilians, innocent victims. It continues and must be brought to a stop if we are going to be able to go forward into a lasting peace.

My third point, looking to the future—and I hope the very near future—is that, with peace at last within our grasp, we need to begin planning now for another major humanitarian effort under rather different circumstances and rather better circumstances than we have been dealing with in the past. And I want to devote a little bit of my time to that proposition.

So those are my three basic points. If I may elaborate a little on them.

I said the humanitarian effort has been largely successful. It has been a very big effort. We have brought populations through four difficult winters. Very few people have died from exposure or from starvation when you consider the numbers involved—3.5 million people displaced from their homes, scattered around Europe.

The international community has risen to the humanitarian challenge of Bosnia I think in an exemplary way. And I would certainly want to say that in my view UNHCR, the lead agency, ICRC, and various NGO's who have been involved in this effort have done a magnificent job in bringing humanitarian relief to people who have needed it.

There have been times when civilian populations suffered, but not because the international community was not there trying to help. The problem has been one of access, as in the Bihac pocket, for example.

We were there. We gave the resources. We supplied the need. And in most cases we delivered it on time and accomplished quite a bit.

The U.S. Government alone has provided almost \$1 billion to this humanitarian effort over the last 4 years.

And in addition, increasingly, as we reach the present day, the resettlement part of the humanitarian effort—which I know is of great interest to you—has also come on strong. We have now resettled more than 18,000 in the United States. And our plans for the future are to increase that number.

So it has been a big effort, an important effort, a successful effort. I think it is one that we can be proud of. A lot of Americans wish that we had been as effective on the political side as we have been on the humanitarian side. But I do not think we should lose sight of the success we have had on the humanitarian side.

The second point has to do with the mistreatment of populations, the abuses that continue. And this I see as a dark cloud over the humanitarian landscape. We have seen real war crimes and atrocities, Srebrenica, and ethnic cleansing. These abuses must be punished, will be punished.

But as you yourself have pointed out, Mr. Chairman, the guilt is on many sides of this equation. The pressure that was exerted to force Serbs out of the Krajina, the revocation of the refugee status

of Bosnians in Croatia in recent days: these are all things which are not good, are not right, and need to be opposed.

On the last two items, I am happy to report that recent news shows the Croatians may have seen the error of their ways and have begun to undo some of these things. And it is high time. The UNHCR made forceful demarches to the Croatian Government, and we supported them; and I hope it has worked.

We have the case of the followers of Fikret Abdic, which is a small group of people, but they are being kept in miserable conditions in an isolated camp site in Croatia. These are things that are wrong in and of themselves and are also exactly the wrong way to approach a peace settlement.

Now is the time to start binding up the wounds and caring for the vulnerable people and working toward a day where we can have a different kind of Bosnia under a peace settlement that will last, because that peace settlement really has to be about the treatment of people. And now is the time for all parties to change their ways and clean up their act and end the mistreatment of civilians.

This is something that we are insisting and Ambassador Holbrooke is insisting on in his negotiations, and we are making some progress there too, I think.

On the third point of looking to the future, I want to let you know, Mr. Chairman, that the U.S. Government, together with European governments, the UNHCR, the other interested humanitarian players, is already working on the planning of this next phase.

There are, as I said before, upwards of 3.5 million displaced persons and refugees in Bosnia itself and in the neighboring countries and throughout Western Europe. All of these people will need some help in the post-settlement phase. Many of them will go back home. Many will not go back home, and they will have to be settled where they are in countries like Germany, as you mentioned that has been generous in receiving them. Many will probably come to our country as well.

This is another big job.

I think it is very important, and I know Ambassador Holbrooke agrees, to create now the conditions for the return and the proper disposition of these different populations.

And I am sure that you have noticed that in the Agreed Principles, which were published on the 8th and the 26th of September, there are already references to the rights of returning refugees to freedom of movement, the need for just compensation for people who have lost their houses and whatnot. And this is the right way to go.

We have to build into the peace settlement itself, the provisions that these people will need for their protection. That is very important if we are going to build a new Bosnia that will last through this settlement phase.

Finally, to bring it back to the subject of this hearing, in this new phase, there certainly will be an increased need for U.S. resettlement. And we have planned accordingly. Our planning figure for the next fiscal year, which starts in a few days, is 15,000 Bosnians.

I think you know the criteria that we have used up to now, basically looking for UNHCR referrals of vulnerable populations, as

you mentioned yourself in your opening statement; and also increasing family reunification cases. As we get a Bosnian population in the United States, we have made it easier and easier for them to bring their relatives in. In fact, we have a very generous set of criteria for the relatives of Bosnians in this country.

And so the pace of our resettlement has grown and will grow, we believe, over the course of the next year.

And, in fact, as I re-read the letter that you and Congressman Hoyer sent us back in June, I was pleased to note that you had called for 15,000 places and that this was the figure that we were able to accommodate. And I think that is a good example of executive-congressional consultation and cooperation on this effort.

And I noticed also in your letter that you hoped for changed circumstances on the ground that would allow other types of solutions to the refugee problem, and let us keep our fingers crossed that we are seeing that happen now.

With those remarks, Mr. Chairman, I would be very happy to take your questions.

[The prepared statement of Ambassador McKinley appears in the appendix.]

Mr. SMITH. Thank you very much, Mr. Ambassador.

Let me ask you the first question. One of the other items that Mr. Hoyer and I raised in that letter was the concern about the UNHCR acting as a gatekeeper. It is great if they provide insights; but when they do a prescreening that effectively screens out people that we might otherwise find to be eligible for refugee status, I wonder how effective that is. And we raised the concern, and I continue to have that concern; and I know Mr. Hoyer has it as well; that this is an inappropriate way of doing business.

What are the prospects of that being changed? Is it being reviewed? Is this something that we find acceptable elsewhere?

I recently, as you know, returned from visiting High Island and have been a very vocal critic on the CPA; and there was little or no doubt in my mind—as a matter of fact, it goes uncontested—that many of the people that are at High Island were, indeed, members of the army of South Vietnam and would have been permitted to come to this country had there not been a prescreening by someone other than a U.S. official. And it seems to me it becomes a very convenient way to keep large numbers of people out.

There were in excess of 130 people—and not to have this hearing evolve into a CPA hearing—but there were a large number of people that were left out that would have, I am sure, under our categories been here now and resettled.

I do not want to see that same kind of mistake repeated. And, as you know, Mr. Hoyer is a leader member of the Democratic Party. This is a bipartisan concern and a very strongly held concern at that.

So if you can respond as to the gatekeeper situation.

Mr. MCKINLEY. The process of accepting referrals from UNHCR has met with criticism in the past. I think on the whole it is fair to say that UNHCR has tried very hard to identify the most vulnerable cases, those cases where they think a local solution is not available and the need for overseas resettlement exists.

In the early days of this program, there were some delays in UNHCR referrals; and the NGO community brought these to our attention. We went to UNHCR, and I think we have largely resolved that.

I have here a chart that shows the pace of referrals by UNHCR. And I would be glad to leave this and the other materials with you. But they have increased in a fairly steady pace over the years.

I think today the combination of the UNHCR referrals of vulnerable cases and the family reunification cases that we take—in Zagreb and Belgrade to be sure, but also in other posts around Western Europe—have given us a substantial flow. And I think the early problem, of not having enough access to people that we needed to see, has now been resolved.

You asked whether UNHCR is looking at their referral criteria and at the program, and I think the answer is yes. I was in Geneva myself last week talking to UNHCR and the others; and we were trying to look toward the future. And one of the things that they are doing is reviewing their criteria with the idea in mind that even if there is a peace settlement and a map and a new administrative arrangement there, there are going to be a lot of people who have been waiting in a kind of limbo who will have to decide whether to try to go home, if they are able to go home or whether another solution will be necessary.

And I think there are going to be fairly substantial numbers of people who, for very good reasons, will be unable or unwilling to return to their homes.

The UNHCR will look at these people and will make a determination or at least give us some advice as to what the best solution for them might be. And we intend to offer places in the United States for a large number of people.

As you know, in July, looking forward to this phase, UNHCR asked resettlement countries to make contingency plans for 50,000 Bosnian refugee resettlements; and we said we would take up to half of that number. In fact, we might end up taking more than that. But we have already promised UNHCR that we would be good for up to 25,000 settlement places over the course of the next couple of years.

And they are right now trying to identify those persons for whom the acceptable durable solution will be overseas settlement, and we will be working with them.

Clearly, there are a lot of people who have been traumatized by the violence, who have lost family members, houses, cannot go back to where they were, mixed marriage cases, and others where it will be appropriate; and particularly if they have relatives in the United States, not necessarily, but particularly if they have relatives in the United States, and so the trip here makes sense in terms of their best interests; and we will work with UNHCR.

And I think we are in a phase where we do not have to worry about the UNHCR screening becoming a problem.

Mr. SMITH. Has it been in the past?

Mr. MCKINLEY. Well, it was slow. It was slow. They needed some help processing the cases. A couple of years ago, we were not getting the referrals on a regular basis. We gave them some extra help, and I think it is working out. This was in the past.

Mr. SMITH. Were the categories too restrictive? And could you tell us the difference between the criteria that the U.S. applies versus those that the UNHCR uses?

Mr. MCKINLEY. In fact, we are very close. I have in front of me the UNHCR referral criteria, and I will just quickly review them:

People who face compelling security concerns in countries of first asylum. These are people who are in danger where they are in that country of first asylum or who might be in danger of being sent back; former political prisoners; persons who are victims of torture or violence; physically or mentally disabled persons; and persons in urgent need of medical treatment not available in the country of first asylum.

And then a grab bag criteria. Identify persons for whom other durable solutions are not feasible, whose status and place of asylum does not present a satisfactory long-term solution.

So I think, in fact, if you look at these referral criteria, they are broad enough already to encompass most of the people we want to get at. They are close to our own referral criteria. I mean, we are aiming at vulnerable populations, victims of violence, and those with a U.S. tie, people with relatives in this country.

So it is not a question of misfit between their criteria and ours. It is, I think, a question of sorting out the flow, making the system work, getting to those people who really need resettlement without prejudicing what might turn out to be a better solution if peace comes about.

So I think we are in pretty good shape right now in our relationship with the UNHCR, and I think the proof is we are going to have almost 10,000 resettlements from Bosnia this year. We are not quite up to the end of the fiscal year, but the number I have is 9,878. That is a substantial increase, and it has been coming on year-by-year stronger and stronger and will grow in the future.

I do not think we have a problem with UNHCR, and they are looking at ways to tailor this and make it more specific to those populations who really will not be able to go home or to stabilize in their present location.

Mr. SMITH. It has been brought to the attention of the subcommittee that non-Muslim Bosnians are often not referred for resettlement.

Is that true? And if so, why?

Mr. MCKINLEY. The majority of those that we have resettled are, in fact, Muslims. 85.1 percent of all of our resettlements are Muslim Bosnians.

And 6 percent are Serbs; 4.7 are Croats; and 4.2 percent are in another category. That would be mixed or perhaps other religions. Resettled from Sarajevo and things of that nature.

But in any case, 85 percent are Muslim.

The reason for that, in our eyes, as well as in the eyes of UNHCR, it is the Muslim population which has no other place to go. I mean, if you are a Serb and you got chased out of your home, you can go to Serbia. That is what the Serbs in Krajina did.

If you are a Croat, you can go to Croatia. And a number of Bosnian-Croats are there.

But if you are a Bosnian Muslim and you have been chased out of your home, you really do not have a country of refuge nearby.

And so I think it is not surprising that the vast majority of the people that we have admitted are Muslims.

Mr. SMITH. Is that the assumption that we have made? Or is it what the people who have been screened have offered to the UNHCR people? Those who are going, for instance, to Kosovo, is that where they really want to go? And others who are going to, say, Croatia, is that where they really want to go? Is that what their hope is, to stay there? Or are they really seeking resettlement?

Mr. MCKINLEY. That is a good question. I do not know exactly what the right answer to that is.

Clearly the Krajina-Serbs who arrive in Serbia do not seem to have a lot of choice as to what location they go to. The government just assigns them a place, and they go there.

Some of them have gone to Kosovo, a relatively small number, 1500 is the latest figure I have heard. And I think it is fair to say that most of them feel as though that is the permanent place for them.

But in the initial influx, when something near 200,000 refugees arrived in a very short time, I think the Serbian Government was interested in spreading it out. And they did attempt to spread it out throughout their country, including Kosovo.

My own view is that probably, in a peace settlement, I think we will see those people moving again. Whether they can move back to their original homes in Krajina, that remains to be seen. Certainly we are trying to insist on the right of return for people who want to if they feel that the conditions are such in Krajina that they can go back, then so be it. I think many of them will. Otherwise, they will probably regroup themselves in some fashion or in Serbia or in the Bosnian-Serb part of Bosnia.

I can only speculate, but I think for now we should look upon that as a permanent solution. Some of those people might, indeed, qualify to come to the United States.

Mr. SMITH. I appreciate your answer. If you could, for the record, provide perhaps some additional amplification on that; and also, again so we will have a better understanding, a juxtaposition of the criteria that UNHCR is using and, since this seems to be an evolving set of criteria, as much information as you can provide us and how that stacks up with our own. That would be very helpful.

Mr. MCKINLEY. I will certainly try to do that, Mr. Chairman. We are in close touch with the UNHCR. And I will leave you this document, which is the existing criteria; and then when we have something new, we will make sure you get it.

[The response to the question appears in the appendix.]

Mr. SMITH. Does the United States and does the UNHCR have enough personnel tasked to accommodate the large number of refugees that need to be dealt with?

Mr. MCKINLEY. I think as we get into a bigger program, UNHCR may have to assign more officers to the field to work on this.

Mr. SMITH. How many are assigned now?

Mr. MCKINLEY. The big effort so far has been, you know, a care and feeding effort. I think as we get into a resettlement phase they are going to have to send more officers both there and in other countries.

Do not forget that this is not a highly localized country. I mean this is not a highly localized problem. The people who will qualify for resettlement in the United States are all over the place.

I mean a lot of those in Germany may decide they have got a cousin in the United States and they want to come here.

These people will not have to go to UNHCR. I mean, if they qualify under our own criteria, they can approach us directly.

We have made a big effort to get to these people and interview them. And I would like to say for the record that Immigration and Naturalization Service, INS, has done a superb job in getting their interviewers to the people who need their attention. They have really done a splendid job despite the fact that it is a difficult, big, and far flung effort.

But I think that we will make the personnel available that we need to to get this job done. UNHCR, I think, is going to continue to be the lead agency. As their effort shifts away from the day-to-day shelter, care, and feeding of the populations to the protection, resettlement, finding permanent homes for these people, the effort will change; and they will adjust their personnel accordingly.

Mr. SMITH. How many people does the UNHCR currently have working refugee and settlement issues?

Mr. MCKINLEY. I will have to get that figure. I do not have it with me.¹

Mr. SMITH. In terms of prescreening, is that also the *modus operandi* for those who end up going to Germany and to other European countries?

Mr. MCKINLEY. No. The arrangement that was worked out with the help of UNHCR by the governments was a temporary protection regime. That is, each of those countries admitted the former Yugoslav refugees to their territory and agreed to keep them there with a permanent status determination to be made later on in the process.

So there was no particular screening. They took them up to their ability to absorb in what is called temporary protected status.

In some instances, those people admitted temporarily have subsequently been adjusted for permanent resettlement. But this was something that the individual nations did following their own laws and, of course in consultation with UNHCR, was very interested in this process. But it was not a two-step screening process whereby UNHCR decided who was going to go to Germany and who was going to Sweden and who was going to go to Switzerland. Those people, essentially, just went.

And they were admitted by the countries with the understanding that UNHCR would help to resolve their fate once they were able to go back or needed to go someplace else.

Mr. SMITH. Mr. Ambassador, one of the most moving hearings that I have ever been at was when we heard from some of those victims that had been subjected to rape as part of the Bosnian-Serb's ethnic cleansing campaign.

This was part of a Helsinki Commission hearing. We met with those individual women privately, Mr. Hoyer and I and several

¹The State Department subsequently responded that UNHCR has 31 refugee resettlement officers working in the former Yugoslavia—20 in Croatia and 11 in Serbia.

other commissioners. We were greatly moved by the incredible pain and misery that those women had endured and others like them.

When the UNHCR takes an application for resettlement, are those kinds of situations of emotional trauma, perhaps someone who has lived through an ethnically cleansed episode in his or her village, or women, for example, like those women that we met who had suffered that tragedy and travesty, is that part of the criteria? I mean, we are talking here about just going back—not that they are in danger, perhaps, of anything happening again but the sheer memory is so painful that resettlement and change of venue forever would be warranted.

Is that something that is taken into consideration?

Mr. MCKINLEY. Absolutely. Yes, it is, Mr. Chairman.

The one criteria to which I alluded to earlier says:

“Persons including women at risk; victims of torture or violence; physically or mentally disabled persons; persons in urgent need of medical treatment not available in the country of first asylum.”

So people who have been traumatized by violence and abuse do, very definitely, qualify for consideration or referral.

Of course, it goes without saying that the individual has to want to go; and many of the people—some do and some do not. I mean, some have not, and some will. I mean, we have to see how it works out.

But in both our own criteria, vulnerable populations, and in the UNHCR criteria, which I think will be expanded in this new phase, people who have suffered grievously in this war will not be forced to go back. And if resettlement in this country seems the best option, they will get it.

Mr. SMITH. Mr. Ambassador, what kind of role do you think that the OSCE could play working side by side, and where can they take a lead with regards to this refugee crisis, especially since they are so near by in Vienna, as you know?

Mr. MCKINLEY. I believe that the OSCE will have a strong role to play. In the agreement reached Tuesday in New York, OSCE has signed up to the role of security monitor in preparation for elections.

So the teams under OSCE auspices will go in to make sure that the countryside is pacified and that conditions for free and fair elections are in place and will so certify so that the elections can take place and the new government can take office.

I think that is the kind of model of the kind of thing that OSCE could do very, very effectively. I could see them, in fact, with a very important role in the whole area of security and human rights monitoring throughout the territory.

Mr. SMITH. Including the safe return of refugees who are returning?

Mr. MCKINLEY. Well, I think, of course. Because no one is going to go back to areas that are not safe. The UNHCR will not organize repatriation to areas until they know it is safe. And it seems to me that OSCE is an excellent body to work on that.

Now, to my knowledge it has not yet been decided by OSCE or others whether, in fact, they are going to get that broad mandate. But their acceptance of the election security job does point in that

direction, and I think we would all be happy if OSCE had a very strong role in that monitoring.

And, of course, that does fit with the whole refugee return situation.

Mr. SMITH. Mr. Ambassador, how has the retaking of the Serb-occupied areas of Croatia and Bosnia changed the humanitarian effort and relief efforts by the international community?

Especially with winter coming, do you perceive that those efforts will be easier than they have in the past?

Mr. MCKINLEY. Well, in some ways they will be. In fact, some of these areas were where access—as I said before, access, not the availability of materials, has been our major headache. Some of that has now been resolved, particularly the Bihac pocket where, in fact, people were starving up until its having been relieved. That is going to be rather easier.

In other ways, the problem is not going to be less as we approach the winter. I think everybody hopes that we will have some kind of a peace settlement which will allow convoys to get through unimpeded.

Already in the atmosphere of the negotiations, we have a slight liberalization that has made it easier to get things into Sarajevo and Gorazde. It is still not perfect at all, not by a long shot; but it is getting a little bit easier.

I am hoping that before winter hits hard we will be in a position where the convoys can roll pretty easily.

If that does not happen, then I think this coming winter will be similar to past winters. It will be difficult. There are a lot of new refugees in western and northwestern Bosnia, people who have been forced out of their homes by recent Croatian and Bosnian offenses and who are in new camps, the Banja Luka area, and some of them that are stretched out across the road in difficult places.

Some of those may do what the Krajina Serbs did and go into Serbia. Others will have to be taken care of where they are, and that will be a big chore for UNHCR and ICRC.

I think it will be comparable to past winters. The material is there. If it can be gotten to the people, it will work out all right.

So the hope is that we will have free access to all of those vulnerable populations through a peace agreement.

Mr. SMITH. Just to be clear—and this is my final question before yielding to Mr. Salmon—is it the Administration's view that permitting UNHCR to remain as gatekeeper to prescreen is the most prudent course for us to follow in the future, or is that under review, perhaps following the model of the Germans or some of the other countries that do not necessarily follow that?

Mr. MCKINLEY. I think it is fair to say that it is under review. We are going to be looking carefully at the management of our resettlement program and the role that UNHCR will play.

I myself would like to see UNHCR continue to play an important role. Not as gatekeeper. Not as an obstacle. But as an authoritative source of guidance to us on which populations we ought to be looking at. I think we can trust them to do a good job of that.

That does not mean that they can impede our access to populations if we decide we want to go and interview those people. We will certainly be able to do that.

I think we will continue to lay emphasis on those people who have a U.S. connection. These, after all, are the people who are likely to want to come to this country rather than, you know, move some place closer to home where people speak the same language and they know the ropes and can maybe get an easier start.

UNHCR will not be a constraint on our operation. But I think they can be a useful partner in deciding which populations, which individuals are most in need of overseas settlement. Because that is not for everybody.

Mr. SMITH. Just so I am clear on the record, have they acted and do they now act as gatekeeper?

Mr. MCKINLEY. Well, in the early stages, most of the people we settled were by referral from UNHCR. So, yes, in that sense we took the people that UNHCR referred to us.

As time has passed, more and more have come to us directly because they have relatives in the United States.

Mr. SMITH. Did they always have access? If the UNHCR person gives a negative thumbs down in terms of resettlement, you know, not everyone is astute enough or knows the game well enough to say, oh, my next step is to go and talk to the Americans.

Mr. MCKINLEY. Well, I think that is probably right. There would have been some people who were turned down by UNHCR in some sense and did not pursue it. That is probably the case.

Mr. SMITH. I am still not clear as to whether or not the policy is that prescreening first and then we respond.

Mr. Hoyer and I sent our letter on June 27 of this year. We got a response back 2 months later on August 25 from Andrew Foiss, an Assistant Attorney General.

And even in that letter it is still ambiguous as to what this role is vis-a-vis the UNHCR. Is it advisor or gatekeeper?

Mr. MCKINLEY. Well, I do not think I have seen this letter from the Attorney General. I think the relationship is fairly clear.

I mean, people admitted to the United States under our refugee resettlement program all have to be accepted by INS. That is what U.S. law is, and that is the program that we administered.

They come to us; they state their case; and INS decides if they qualify; and if so, approves them; and we admit them.

Now, in the past, many of those people came to us by referral from UNHCR because UNHCR is the international body that has the mandate for the protection of refugees; and they are the people who came to them first.

But they are not the gatekeepers in the sense that if UNHCR turns them away there is no other way that we can take them. We can and do take other people. We take a lot of people from all over Western Europe as well who come to us, they come to our embassies, they state their case, and we find ways to interview them.

UNHCR referral is a convenient and well accepted international method of identifying people in need of resettlement and getting them to the countries that offer resettlement possibilities, of which we are far and away the biggest one on this, as on most of the resettlement population, except I guess in the case of CPA which had special rules. Under the CPA there is a 51-nation international agreement that things would be done in a certain fashion.

The absence of a UNHCR referral does not block our taking somebody if they come to us and want an interview.

Mr. SMITH. Just for the record, how many INS people do we have working on this?

[The response by the Department of State follows:]

Mr. MCKINLEY. Well, I will have to get that figure. I do not have a figure for that.

Mr. SMITH. And if you could in that answer the type of case loads they are carrying, whether or not we have a sufficient number of people tasked to that.

Mr. MCKINLEY. My impression is that INS has been very responsive on this. People do not wait a long period for their INS interview.

But I will certainly get the facts and figures for you.

Since the beginning of the U.S. resettlement program for Bosnians, the Immigration and Naturalization Service (INS) has made available sufficient INS adjudicators to process the U.S. caseload. The INS district office in Rome schedules the circuit rides.

During Fiscal Year 1995, 7 INS officer trips were made to Belgrade, Yugoslavia, and 234 trips were made to various sites in Croatia and Slovenia. Eleven INS officers took part in the processing.

A total of 9,959 Bosnians were interviewed with an approval rate of approximately 95 percent.

Mr. SMITH. Mr. Ambassador, I want to thank you very much for your testimony; and we may have some additional questions for the record and would ask you, as quickly as possible, to get that information to us.

Mr. MCKINLEY. We will be happy to respond to any additional questions. And as I said before, as this evolves, we will do our best, through yourself and your staff, to keep you well apprised of how things are going. Because I hope things will be changing rather fast and in a positive direction.

Mr. SMITH. This is an opportunity, and hopefully a softball you can hit out of the park, but right now, as you know, the Judiciary Committee is considering a refugee cap which I think is a very misguided idea to put a 50,000-person cap on the number of refugees per year.

What is the Administration's view on that?

Mr. MCKINLEY. We agree with your position on that, Mr. Chairman; and we oppose a hard cap. We think the President should have the flexibility.

Mr. SMITH. In consultation with Congress.

Mr. MCKINLEY. That is correct.

Mr. SMITH. Thank you very much.

We have a vote on. We will take a very brief recess, and then I will be back, along with other members, to continue the second panel.

Thank you.

[Recess.]

Mr. SMITH. The subcommittee will reconvene.

I want to apologize for the very lengthy delay. There was some business on the floor relevant to the DoD bill and some other bills that made it absolutely crucial for me to stay and attend to that. So I do apologize.

I would like to introduce our three witnesses for the second panel.

Our first speaker will be Lionel Rosenblatt, who is president of Refugees International. He is an internationally and respected advocate on refugee and humanitarian emergencies.

In the past 4 years, Mr. Rosenblatt has taken Refugees International from its roots in Indochina refugee problems to life-threatening refugee and humanitarian crises around the world.

As a former foreign service officer, Mr. Rosenblatt served in Sri Lanka, Vietnam, Thailand, and Canada. He has received a number of State Department honors, including the Rivkin Award and the Una Chapman Cox sabbatical fellowship.

Mr. Rosenblatt, welcome to the subcommittee.

Our second speaker will be Bill Frelick, who is a senior policy analyst with the U.S. Committee for Refugees, a non-profit organization dedicated to defending the rights of refugees and asylum seekers in the United States and throughout the world.

Mr. Frelick is co-editor of "Refugee Reports," a monthly publication focused primarily on litigation, legislation, and integration of refugees in the United States. He is also the associate editor of "World Refugee Survey," USCR's annual report on refugee conditions throughout the world.

Mr. Frelick is widely published on refugee and asylum issues.

I took these out of order. Our second speaker will actually be Semir Tanovic, who was born in Bosnia-Herzegovina in 1962. He studied linguistics at both the University of Sarajevo and the University of Zagreb.

Mr. Tanovic came to the United States as a refugee in 1993 with his wife and son. He and his family were forced to flee Mostar and to seek asylum in Canada.

While in Croatia, Mr. Tanovic applied for admission to the United States as a refugee and is currently working in New York for the International Rescue Committee.

Mr. Rosenblatt, if you would begin.

STATEMENT OF LIONEL ROSENBLATT, PRESIDENT, REFUGEES INTERNATIONAL

Mr. ROSENBLATT. Thank you, Chairman Smith.

On behalf of Refugees International, I appreciate being here at this critical juncture in the Bosnian conflict.

Since the beginning of the war, we have been following the situation in Bosnia with emphasis on protection of human rights and humanitarian assistance. I have made a number of trips to Bosnia and spent several months in Sarajevo and Tuzla. Our testimony is recommendations-oriented, based on these field missions, the most recent of which was as Srebrenica was falling a few weeks ago.

During the last 42 months of fighting in Bosnia, Refugees International has urged strong action against the Bosnian-Serbs to deter further crimes against humanity. The recent, sustained NATO air strikes are an important watershed; and we commend President Clinton's leadership, in contrast to the previous, unconscionable inaction of both the Bush and Clinton administrations.

For a brief period after the Sarajevo market massacre in February 1994, NATO appeared to be serious in protecting the Bosnian

people from indiscriminate slaughter. But the Bosnian-Serbs placated us with minor concessions and an appearance of readiness to seek peace. Thereafter, until the recent NATO air campaign, we were unable to muster the political will to counter Bosnian-Serb aggression and atrocities. This shameful lack of will and commitment by NATO and the United Nations severely damaged the credibility of both organizations.

Should we falter again, should our commitment to seeking peace and protecting basic human rights in Bosnia once again prove to be temporary, NATO and the United Nations will suffer a permanent loss of credibility.

But the real victims of our vacillation have been, of course, the Bosnian people who have already suffered from the worst humanitarian catastrophe in Europe since World War II.

We believe that the current air campaign and peace talks represent an important breakthrough, provided that we demonstrate our will to follow through.

U.S. leadership has been the driving force for these ongoing peace negotiations. Assistant Secretary of State Richard Holbrooke has taken shuttle diplomacy to new heights. But much remains to be done to ensure a multi-ethnic Bosnia, free from human rights abuses and on the road to reconstruction.

What I would like to do, Mr. Chairman, is to shift now to our concluding recommendations. You will see that my testimony is a road map of fairly specific ideas, any of which we might follow up in discussion.

But let me simply try to go to the bottom line, which is a series of several recommendations which we think are crucial.

And in doing so, let me, in passing, salute one particular foreigner who did more to help Sarajevo survive than anybody else, I think, from the outside world. And that is American disaster relief expert Fred Cuny. He brought in, in conjunction with the International Rescue Committee, life-saving water, natural gas, and other utilities at a time when the United Nations was unable and/or unwilling to do so. And he virtually single handedly in that first winter siege gave the Bosnian people a reason to hope.

Fred disappeared recently in Chechnya, as you know. But he would be most heartened that NATO is finally moving ahead to act to stem the Bosnian-Serbs crimes against humanity. And he would underscore with me, I think, today the need to remain firm and steadfast and resolute.

Mr. Chairman, while there is still a threat that Bosnia can be crushed between an intransigent Serbia and a resurgent Croatia, we think that much can be done to move ahead on reconstruction.

We do believe that this committee and others ought to watch very carefully the president of Croatia, Franjo Tudjman, who just recently, as you may be aware, on the back of a restaurant menu in Europe put together his idea, when asked by a "New York Times" reporter—or actually somebody else, a reporter who reported this. But somebody said: "What do you see Bosnia looking like?" and he drew an S-shaped map which consisted of Croatia on the left and Serbia on the right. There was no Bosnia. And I think this represents the true mentality of President Tudjman, and we need to watch that very carefully.

We are now on a roll with the Croat and Bosnian-Muslims moving against the Bosnian-Serbs; but eventually we feel that Bosnians may be squeezed between the two giants.

Our humanitarian recommendations are as follows:

Sarajevo is still under siege. Do not be taken in by the newspaper accounts that everything is rosy there. Two hundred incidents of shooting were reported 48 hours ago in Sarajevo. Just yesterday, two people were killed in Sarajevo by Bosnian-Serb sniper fire.

With only a single road still open, the dangerous Mount Igman Road, on which three U.S. diplomats recently fell to their death, other roads are slated to open for humanitarian assistance but are not yet open. And no thru-traffic free traffic of commerce and people is yet going into the Bosnian capital. So we have come a ways, but we have a long way to go before the Bosnian capital is truly out from under siege.

We faxed Secretary Holbrooke, as he returned to the region today, and said: "You will see when you get to Sarajevo that while things are improved, that the siege must be fully lifted if reconstruction and this peace negotiation is to have any credibility."

If there is a single place that I want to leave in your mind as vulnerable, it is Gorazde. Some weeks ago, when we were in the region as Srebrenica was falling, we made one important point, let us at least draw the line at Gorazde. There was a London conference, and there was some real focus on Gorazde.

Now I think it is in danger of being lost in the negotiation process. It is very vulnerable. The Serbs have the capacity to attack it at any time. They feel that we will not respond. We have to be very, very determined to move in and defend it.

If we are not going to defend that civilian population, then we have to protect them and provide them a safe evacuation option.

You would think this would be first and foremost on the U.N. mind as something that you do for civilians in a U.N.-designated safe area. It is not. Some weeks ago in Srebrenica we came in and said: "What is your evacuation plan?" They were surrounded. They were about to fall. "Well, we will not evacuate them. This would be abetting ethnic cleansing, because they would be moved out of the area that they are in."

I said: "You mean they are just going to be left there and served up to the Bosnian-Serbs?" There was no answer.

We cannot do that again. We have got to have an evacuation option for the civilians there if they wish to leave. It would be unconscionable to do otherwise. And yet we are hearing that it is very vulnerable. And Gorazde was shelled just the other day, and at least one person died yesterday in sniper fire.

The accounting for the Srebrenica and Zepa survivors should continue. I think you are aware that 8,000 men and boys disappeared from Srebrenica. I can tell you that so far the International Red Cross has interviewed 164 of those survivors. Thousands are missing. We have grave fears now for them. There have been satellite photos, as you know, of mass graves.

We need to get to the bottom of this. And we should not conclude any negotiations—I would even say we should not go any further

with the negotiations unless the Bosnian-Serbs allow access to forensic and other investigators.

There is a continuation of ethnic cleansing in Banja Luka and Doboj. And wherever that occurs, such Bosnian-Serb crimes against humanity must be brought to a stop, again, if negotiations are to continue.

Last, let me just touch on the Croatian problem. Croatia has threatened to send back at least 100,000 of the 400,000 refugees from Bosnia in Croatian territory. It is premature to do this. The safety and relief nets are not in place for returnees. And until conditions permit, I hope the United States will be pushing very hard to have this suspended.

I am not totally reassured by the State Department's testimony today that Croatia has backed off on this, and I think we need to get to the bottom of this quickly.

At the same time, to ease the burden on Croatia, international resettlement should continue for the Bosnian refugees unable to return home from Croatia. European countries should take the lead, but the United States should take at least 20,000 refugees in fiscal year 1996.

And, last, and I would be glad to touch on this in discussion later, we think that there is real opportunity on the reconstruction side to move ahead and to put Bosnia back on its feet. There is not much time before winter. But if we harness the skills and attributes and productivity of the Bosnian people themselves, I think we can make great strides. That will call for imagination on the part of the United Nations and AID and others to break out of the normal handout mentality and to move into real development and building on the entrepreneurs and the ideas that are out there. And I can tell you there are many people anxious to move ahead with reconstruction on the Bosnian side.

In closing, Mr. Chairman, we thank you for the opportunity today to speak about the tragedy of Bosnia. We believe the Clinton administration finally has recognized that there is no substitute for credible use of force. We have an opportunity to stop the slaughter of innocent civilians and advance toward peace. We should not let this opportunity slip away. And the vigilance of your committee will be instrumental in that.

Thank you.

[The prepared statement of Mr. Rosenblatt appears in the appendix.]

Mr. SMITH. Thank you very much, Mr. Rosenblatt.

Mr. Tanovic.

STATEMENT OF SEMIR TANOVIC, BOSNIAN REFUGEE, PROGRAM ASSISTANT, INTERNATIONAL RESCUE COMMITTEE

Mr. TANOVIC. Thank you, Mr. Chairman.

I have included my statement which gives my personal story, and I do not think my personal story is so important that I just repeat the same thing here but much faster. So I made a summary which would be more in the form of addressing on behalf of the Bosnians in general.

And I would like, with your permission, to include it in the record.

I would like to start this summary with the words of my fellow refugee who told me once: "America is an amazing country. Everyday it receives the people from all over the world, and all these people come because they experienced horrible things. They all come with wounded, bleeding souls. In less than a year, they laugh again; they work; they feel all right; they function again."

This is a very important perception of America and a very true one.

The war in Bosnia and Herzegovina has been a horrible, bloody, and tragic sequence of events. One carnage follows another and one eradication after another.

As a Bosniak, I was much more hurt by the attitude of the international community than by the behavior of the aggressors. The world closed its eyes and forgot all of the moral and ethical principles; they just pretended that nothing was happening.

However, since the pictures of the tragedies were all over the media, world governments decided that they had to do something. They decided to send us humanitarian aid. That is noble and generous but serves only to cover for the lack of real help, the lack of a really principled attitude.

One cannot replace principles with a bag of macaroni. By missing to respond in a dignified way, the world has given hopes to all the totalitarians in the world. You can be sure that they are re-writing their manuals and their "Mein Kampfs" right now.

Throughout the whole war, the world has been making a horrible mistake: They were behaving as if the Bosniaks were hit by some natural disaster—a hurricane or a flood.

Their approach to mitigating the miseries of the people was in those terms of some unstoppable natural "vis major." They have been sending us macaroni to help us cope with the losses, tragedies, and starvation. None of them thought of trying to stop or, at least, slow down the cause of these losses, tragedies, and starvation. Everybody behaved like it could not be stopped. Well, we saw recently that just a little bit of muscle could do it—200,000 bodies and three and a half years earlier.

We Bosniaks hope that the world will not make the same mistake again and treat the aftermath of the war like an aftermath of a flood or a hurricane. After wars people do not return to their homes as easily and automatically as after hurricanes. Many areas of Bosnia will be inaccessible for the Bosniaks, maybe forever.

There are many areas considered free and liberated, but they are not so for the Bosniaks. Therefore, many thousands of Bosniaks will be stranded wherever they are. They are not welcome in most of Western Europe. They are even persecuted in some of these countries. The only place that could possibly offer them hope of being treated equally to the others, the only place that could offer them a chance to work for their living again, the only place where they could possibly be close to being happy again is America.

It is essential that you realize that refugees do not come here because they just feel like a change or because they are up to some "country shopping." They decide to come here because they have no other place to go, because elsewhere they would be physically eradicated.

On the other hand, tens of thousands of people will be able to return to Bosnia and Herzegovina. We believe that America should support those programs of repatriation to the fullest extent. This should probably be combined with some rehabilitation programs, programs of reconstruction of factories, infrastructure, et cetera. This would definitely contribute to the number of people who would be able to go back.

In the meantime, between these two different poles, there is a third need for help, an interim between the two. I am referring to the relief projects for the ones who are still there. The relief projects would be needed while the reconstruction programs are increasing the level of the country's self-reliance. That is something which will surely be needed for some more time.

By doing so, America would give an example to the western countries and to the rest of the world as well. Srebrenica and Zepa cannot be undone now, but setting things on the right tracks at this stage could prevent more Srebrenicans and Zepans from occurring; or it could, at least, reassure us that they did not happen in vain. Your ancestors came from their own Zepas and Srebrenicas, and look how well they made it.

Your country is very likely to be the last beam of light, the last hopeful shine for hundreds of thousands of Bosniaks, both in Bosnia and around the world. On behalf of all these refugees and all the war-affected population, I am pleading to you here: "Please do not turn that light off."

I would like to add one more point about the UNHCR being perceived as a gatekeeper, which was mentioned in the previous discussion.

I would like to say that we Bosniaks perceive it in much stronger terms than just a gatekeeper. We see it as a check point, which is very much a Bosnian term nowadays.

In my own example, I can tell you that I would have never been here had it not been the case that my father had a first cousin here. I do not think that I would have even tried to reason with the UNHCR and present them any kind of case, because I have not met anybody who managed to convince them that there is a grounded, well-founded fear of persecution.

Thank you for giving me a chance to present you the situation on behalf of the Bosniak refugees. If there are any questions later that I can answer, I would be more than happy to do so.

Thank you.

[The prepared statement of Mr. Tanovic appears in the appendix.]

Mr. SMITH. Thank you very much, Mr. Tanovic. And I do appreciate your testimony.

Mr. Frelick.

STATEMENT OF BILL FRELICK, SENIOR POLICY ANALYST, UNITED STATES COMMITTEE FOR REFUGEES

Mr. FRELICK. Yes. Thank you very much for the opportunity to testify.

As the world is looking to the current round of peace negotiations and so many people, both here in Congress and among policy-makers throughout the world, are looking at the movements of ar-

mies, I am particularly gratified to you, Chairman Smith, for looking at the movement of refugees.

And I think that the attention that you have paid to the movement of the victims is one that has really earned you the reputation as the conscience of the Congress with regard to refugees, both in Bosnia and around the world.

And I thank you very much for that attention.

Mr. SMITH. I surely do not want to cut you off, but I do have to leave to make it to the floor for a vote. I do appreciate those kind remarks.

The subcommittee will be in recess for about 5 minutes.

[Recess.]

Mr. SMITH. Mr. Frelick, if you would continue?

Mr. FRELICK. Sure.

I wanted to focus my remarks today on refugee resettlement; but in doing so I want to make it clear that we do not look upon resettlement as the exclusive remedy in the former Yugoslavia or anywhere else. It goes with a combination of efforts.

Of course, the number of spaces that would ever be available for resettlement is a very, very small fraction of the total numbers, between three and a half and four million refugees and displaced people.

So what we need to do is use resettlement in the most effective way for three basic groups: 1) for the most vulnerable cases that are in need of dire protection; 2) for keeping asylum open; and 3) for durable solutions.

And those are the three things that I want to talk about.

First, looking at resettlement as a tool of protection, like Lionel Rosenblatt, I was in Tuzla in Bosnia at the time of the fall of Zepa and Srebrenica. I interviewed many of the refugees that were coming out of those hell holes that were supposedly called safe.

I talked to the women whose husbands had been pulled away from them as they were put on the buses from Potocari. I spoke to men who had made it through the woods, who had to abandon their wounded brothers because they could not carry them any longer in order to survive themselves.

I talked to people who were eyewitnesses to execution-like massacres.

We do not know how many of the 8,000 men who are missing are dead or alive at this point. And even the figure, 8,000, is probably a very conservative one that the International Committee for the Red Cross has put forward. It really does not refer to the people from Zepa at all, only to the Srebrenica group. There could be maybe twice as many as that from the testimonies that I heard.

The ICRC, the Red Cross, has only visited 164 detainees from Srebrenica and 44 from Zepa. And those are figures from early August. They have not changed since that time.

So there is a question about what has happened. We heard the satellite reports of the mass graves. But, of course, we have no way of knowing how many people may be in such graves.

I also have had the experience, again, like Lionel, going back to 1992 when I interviewed the survivors of the secret detention camps that were held in Bosnia at that time and realized that

many of those camps were very small, out-of-the-way places where people were being tortured and starved.

So there are three recommendations that I would make to President Clinton with respect to this group of missing people from Srebrenica and Zepa; and that is particularly to use refugee resettlement as a tool to gain access to those people.

First, we should declare that the Bosnian Muslims of Zepa and Srebrenica, who were promised protection by the international community but not given it, are eligible to be admitted as refugees to the United States.

Second, he should commit the United States to locating and rescuing these missing men and boys and reuniting them with their families.

Third, he should request 5,000 additional refugee resettlement places for fiscal year 1996 earmarked specifically for the Bosnian Muslims of Srebrenica and Zepa.

I noted in the earlier discussion the reference to the letter that you and Representative Hoyer had written in June requesting 15,000 places. But think for a moment of all that has happened since June. Think of what happened in July. Think of what has happened since then.

The refugee picture is much, much different; and if the Administration agreed with you that there was a need for 15,000 places in June, then is not the need all the more clear now for an additional 5,000 places specifically geared to these people? And we know at least 40,000 of them are alive and out of those areas. They are highly traumatized people who would benefit from resettlement. That, of course, would raise the worldwide ceiling to 95,000 if that went forward for fiscal year 1996.

I also want to make clear that UNHCR would not refer these people to the United States because they would be considered to be internally displaced persons. The U.N. High Commissioner for Refugees is only going to deal with people who are technically refugees and who have crossed an international frontier into Croatia.

And I might add just in passing a clarification also to the earlier discussion about the gatekeeper role to say that, yes, the simple answer to your question is UNHCR has an explicit gatekeeper role; and that is for the vulnerable cases.

There are two categories, basically. If it is a family unity case for a Bosnian Muslim, such as Mr. Tanovic, then he can come in without a UNHCR referral as a family unity case, based on an affidavit of relationship issued by the family in the United States.

And that was intended to be a very small group at the outset because there were so few Bosnian Muslims in the United States. It did not relate to Croats. It did not relate to Serbs.

And so the reason those first years that it was so slow, is because there were not families that could petition for their relatives to come, and the "vulnerable" cases which must be referred by UNHCR were kept bottlenecked up because of these strictures on who would qualify, who would be eligible. And so we had a very slow rate of referral.

Now, the International Rescue Committee reports that three-quarters of the cases that are moving are based on affidavits of relationships. Three-quarters of the cases are family unity cases.

Only one-quarter are the vulnerable cases, and that is the group that we have been saying all along should not have this stricture of a gatekeeper exclusive referral mechanism from the U.N. High Commissioner for Refugees.

Sorry for the little tangent there.

So the third recommendation to President Clinton would be to make those 5,000 places available.

Now, this is based on the experience that we had in 1992, where there was a quid pro quo when the discovery was made of the detainees in the secret detention camps. The way that we got them out was to offer them resettlement. And the way that Croatia was willing to allow them to come in was because there were third-country resettlement offers.

If it turns out that most of these men are dead and they are not going to be found, then I think among the 40,000 survivors, there would still be plenty of people who could well use 5,000 places for fiscal year 1996—people who have been traumatized, widows, orphans, and so on.

Moving to the second general point, the first being resettlement as a tool of protection, the second point being a resettlement as a tool for maintaining first asylum.

Here we have the critical question of how do you keep Croatia's doors open? September 22nd, just a few days ago, Croatia revoked the refugee status of 100,000 Bosnian refugees in Croatia saying it was now safe for them to return. They named 20 towns in western Bosnia-Herzegovina that have recently been taken by the Serbs but where they are close to front lines, where there are mines, still susceptible to shelling, and to whatever vicissitudes there yet might be in this war. And it said that these people should return immediately to those areas.

The irony here, of course, is that the Croatian army, which is occupying many of those same towns has refused to allow Muslims from Bosnia proper to come into those same places.

So they are essentially saying we do not want you in Croatia, but we do not want you in these areas of Herzegovina that we have occupied either.

The UNHCR, as has been mentioned, expressed extreme concern about the potential refoulement, the forced return of these refugees to these areas of Herzegovina and western Bosnia, and said that in these areas, it is, "neither safe nor prepared to receive them."

This month also 2,000 Bosnian-Croat and Muslim refugees have forcibly been returned. Those are refugees who have been expelled from the Banja Luka area. They have now been forcibly returned to government-held or Croat-held areas of Bosnia.

Resettlement is needed as part of a package to convince Croatia not to push people back, to convince Croatia to keep its doors open to allow people to seek asylum. And it should be done in conjunction with resettlement offers from other countries.

In your opening statement, sir, there was a bit of a mistake with the question of the 180,000 places in Germany. Those are essentially akin to asylum places in the United States that would have something like temporary protected status. Those are not resettlement offers of people who were brought to Germany.

And the European countries have been very slow in making resettlement offers available. I think that we need to show leadership there, provide an opportunity for them to do likewise as part of international burden sharing to convince Croatia to keep its doors open and to be generous in its response.

The third general point I want to make about settlement, after protecting the most vulnerable, after maintaining first asylum, is the question of durable solutions. And I wanted to mention six groups of people, very quickly, who would benefit from resettlement as a durable solution.

This assumes that, sooner or later, Bosnia is likely to be divided along ethnically pure lines, like it or not. And the six groups that I would locate would be, first, ethnically mixed families. It is a pretty obvious one. But the way that the "family unity" criteria is now written into the guidance for refugee resettlement, it only includes Bosnian Muslim and Croat families, Bosnian Muslim and Serb families. It does not include mixed Serb and Croat families. They are only included under the "vulnerable" criteria, and must be referred by UNHCR, not giving U.S.-based family members an opportunity to petition on their behalf.

Second, Serbs in Bosnia who have been steadfast in their support of a pluralistic, multicultural society. There are an estimated 50,000 Serbs in Sarajevo, and Serbs continuing to live in Tuzla, who have said they are not going to be part of the nationalist Bosnian-Serb entity; they have wanted to maintain the ideals of a pluralistic society. These people, unfortunately are going to be some of the most tragic losers in this war. They will be considered to be traitors by the Serbs. They will be uncomfortable in an ethnically pure Muslim state. And they may need, as a durable solution, to start living somewhere else.

The third group, a very small group, would be conscientious objectors, men, particularly Bosnian-Serbs, again, who fled, left Bosnia, went into Serbia and then the Serbs have sought to force them back into Bosnia to fight the war, a war that has been internationally condemned as genocidal. Those men should be protected. Many of them have gone into Europe where, again, I think the system has failed to identify them as vulnerable cases.

The fourth group would be the Abdic group. These are the renegade Muslims from Bihac that linked their destiny to the Serbs there, joined forces with them; and now they find themselves the losers. They have fled temporarily into what is called Sector West, Croat-occupied territory. The Croats want nothing to do with them. Certainly the Bosnian Muslim government wants nothing to do with them. And an ethnically pure Serb state is going to reject them as well. It is hard for me to conceive of any future for this group of 20,000 to 25,000 people in the former Yugoslavia.

The fifth group would be victims of trauma of past persecution, widows, torture victims, people who would benefit from medical and psychological treatment in the United States.

I think one of the things we are going to have to bear in mind is Bosnia is not going to have the capacity to help so many of the people who have been traumatized by this war: amputees, widows, you name it.

And the sixth group is family unity cases of people who have been trapped thus far in places like Sarajevo. There are many affidavits of relationship now that have been issued by Bosnian Muslims here in the United States who have come here as vulnerable groups and now want to have their families join up with them.

The families have not been able to get out of Bosnia at all. They have been trapped there. When the situation eases to the point where people will be able to get out of places like Sarajevo, they are going to try to join up with their family members; and I think it is only human to allow them to do that.

In conclusion, I want to say something about the past. I noted that Ambassador McKinley talked about the past, present, and the future. Most of my comments on the past in detail can be seen in my written testimony, which I have submitted for the record.

But I do want to say that in the course of 1992 through 1994, the record on resettlement, I am not talking about the other humanitarian responses, but on resettlement has been passive; it has been one of footdragging.

Today, yes, I think it is more responsive. But I think that we need to be much more proactive than we have been. We need to be more aggressive, creative, flexible and dare I say it, impassioned, in trying to save lives, and trying to keep the road to escape open and in trying to provide durable solutions for people who will not have any future in ethnically pure states.

Thank you very much.

[The prepared statement of Mr. Frelick appears in the appendix.]

Mr. SMITH. Thank you very much, Mr. Frelick.

I just have a few questions and then would invite you to make any final comments that you would like, particularly as it relates to the testimony from Ambassador McKinley earlier here or any comments you would like to make concerning on what he testified about earlier in the hearing.

I note in your written testimony, Mr. Rosenblatt, you point out that the United States should provide maximum help to the War Crimes Tribunal.

I agree with you. As a matter of fact, when we had a markup on our Foreign Aid Authorization bill, I tried to earmark \$15 million for that effort believing, after reading the Schell study and looking at other documentation, that we were quickly losing very valuable evidence. We did not have enough people on the ground collecting it, getting eyewitness accounts and the like. And the Administration came forward with a very modest amount of money which to me seems to be insufficient for the job.

Do you have any idea how much we ought to be providing to make this effort more successful?

Mr. ROSENBLATT. My understanding is that the immediate cash need has been met, but there are two areas where the United States could help more than it has. I think before we cite those specifics, I think you are right to remain vigilant about how much we are really pushing the Tribunal in its work. Because I do think as the negotiations begin to mesmerize the senior policymakers, they have a tendency to put the War Crimes Tribunal aside.

My understanding is that fiscal year 1995 funding and projected fiscal year 1996 funding may be adequate, but they need more help

in some expert areas, both in terms of personnel and in terms of data.

We do think that the number of vital pieces of information, including some of the photographs that the State Department and U.S. intelligence agencies have should be flowing through the War Crimes Tribunal. I think that that needs to be opened up. We need to understand—at least the committee does, if it is not going to be public knowledge—to what degree we are providing intelligence information.

It was very interesting to see that the only time we came out with satellite photos publicly was at a time when it deflected the concern about the Croatian invasion of Krajina. And since then, silence again.

So what are we providing by way of data and expert help?

Second, there is a U.N. problem here. As you know, the War Crimes Tribunal operates in close harmony with the U.N. rapporteur and others. And the United Nations has moved into a budget crisis just in the last 48 hours, it has come to our attention, where they have no money available now for the kind of contract personnel that the rapporteur and that others working with the War Crimes Tribunal need to have access to.

So we need to look at that. It could be that the Tribunal's immediate problem resource-wise is going to be failure of support from the United Nations because they have run out of funds to support enterprises like this. This is a worldwide problem. It extends to repatriation from Rwandan camps, for example.

But the United Nations is apparently going to have to cut way back on all contract assistance, and we want to watch the impact of that in this area. So I hope you look into that as well.

Mr. SMITH. I, too, was concerned, Mr. Frelick—and all three of you, if you want to respond—over the Croatian Government's stated intent to send back some 100,000 refugees.

What has been the international community's response to that? I know the UNHCR has their press release saying they are unhappy with it.

But is sufficient pressure being brought to bear on President Tudjman to let him know that this is not acceptable, that these are not safe areas that these people would be returning to?

Mr. ROSENBLATT. I have seen no direct approach to Tudjman.

I can tell you a little anecdote about the way Croatia works. Two years ago, just short of 2 years ago, in the autumn of 1993, we found that Sarajevo and Tuzla were being strangled by the complete blockage of both humanitarian and commercial cargoes from Croatia and the Dalmatian Coast into the hinterland of Bosnia. And that is what was threatening starvation much more than anything else. And it was clearly a Tudjman decision.

And at that point, the U.S. Ambassador, Peter Galbraith, who is an activist, a former Hill staffer, as you know, was raising this; but he was under no instruction to sit down and personally deliver a note from the President to Tudjman, which is what we felt would solve the problem.

Ultimately we did get involved, with pressure; and Tudjman came around. Some of us from outside agencies put our own pres-

sure out on Tudjman through private individuals who have influence in Zagreb.

I think we need to do the same thing now. I think Tudjman needs to be hearing from the President on this by our ambassador with a presidential letter. He does respond to that kind of interest, but I do not see that we are putting that kind of pressure on him.

Mr. SMITH. In your view, would letters from Congress, including those who have defended Croatia, particularly during the early days of the way when it was Croatia versus Serbia, people like Senator Dole and myself and others? Would that be helpful?

Mr. ROSENBLATT. I think that would be very helpful.

But I think also getting a letter from our own President there, delivered by our ambassador, and that would be instigated by your interest, would be very useful, too.

Mr. SMITH. Let me just ask a question. Mr. Tanovic mentioned earlier his view that rather than gatekeeper, it was more of a case of check point.

Would you two gentlemen agree with that?

Mr. FRELICK. Again, for the cases—what are called the vulnerable cases, the distinction that I think was maybe not as clear as it could have been this morning is that for family cases that gatekeeper role is not required. But for the vulnerable cases, that is the case and that they have to come in through UNHCR.

Mr. SMITH. Would you be recommending a change of policy?

Mr. FRELICK. By all means. I think a lot of the criteria that have been too restrictive has really come from the U.S. side. And the UNHCR is not going to refer a case that they know the United States is not going to accept.

So that has been one of the limiting factors. There are a number of limiting factors there, including UNHCR's doctrine on resettlement and everything else.

But, for example, when I mentioned this question of mixed families, some of these other vulnerable groups, questions of internally displaced people, I think we may need to have a presidential determination that would allow in-country processing out of Bosnia to get at these refugees from Zepa and Srebrenica for example, the kind of determination that we have in effect now for Cuba, the Soviet Union, and Vietnam.

Mr. ROSENBLATT. Mr. Chairman, if I might just comment on that same point. Mr. Tanovic called it a check point mentality. I would say it is a roadblock mentality. It certainly was in the early days. The United Nations was not interested in what the UNHCR was doing in the early days, back in 1992 when Bill Frelick and I were first out there looking at these issues. They were actively blocking it. And I will give you one example.

Prisoners who were former prisoners in the Karlovac area who were ready to go and resettle in the United States and Europe but had to have access to their family members who were trapped still inside either of Croatia or Bosnia and made that very plain that they would not resettle alone, got absolutely no assistance from the UNHCR.

Other vulnerable groups, and we fully agree with Bill Frelick, he has outlined the kinds of group that ought to be helped, are not yet actively being helped. They have moved a little bit off of what

I would call a roadblock mentality. But I think if anything, Mr. Tanovic puts it rather politely. They are not going after these vulnerable groups with the kind of dedication and commitment that we would expect from the UNHCR.

Mr. SMITH. Where is the pressure coming from? Is it from the international community where they feel that their absorption levels have reached the point of saturation and, therefore, the idea of returnees is much more attractive rather than refugees?

Mr. ROSENBLATT. I think part of it is they are feeding everybody and doing a wonderful job of that. And they have become so seized with that task, which they have done well, they have kept Bosnia going, albeit minimally, through 4 years now, almost 4 years.

And I think that has denigrated the normal protection and resettlement functions, and we need to help point them back in those directions. Again, I think we all agree here as panelists that the way to do that is with the United States showing more interest ourselves in this on the ground and helping them move toward the vulnerable categories that were outlined by Mr. Frelick.

Mr. FRELICK. I think if you look at the history leading up to the designation of the safe areas, it was clear that it was because country after country in Europe had imposed visa restrictions and because Bosnians could not escape the country, they could not get into Croatia because Croatia was not willing to accept them because third countries were not willing to accept them. This is sort of like the reverse domino affect. They were stuck in Bosnia, and then UNHCR was tasked with trying to feed them and supposedly protect them there. But they were not given the means to do that either.

And so it became a case of substituting humanitarian assistance for protection and designating these areas as safe, when they certainly were anything but safe.

And so I think the inaction of the international community and the unwillingness of the international community to provide asylum to people is what has resulted in this standoffish, passive approach.

I think that when you asked the question earlier about what the international response has been to Croatia forcibly returning people, well, you do not want to get on your high horse to tell Croatia not to forcibly return people if you are not willing to resettle people. And very few countries are willing to do that. So they are going to remain silent.

Mr. SMITH. Let me ask a question with regards to whether or not we have sufficient resources tasked.

From your visits, do you find that the U.S. Government and UNHCR have enough people on the ground working with refugees? I am not just talking about feeding now. I am talking about adjudicating their cases.

Mr. FRELICK. On resettlement, they have just now, for the first time, and I think there has been a breakthrough just in the last several months. You know, there are any number of variables and reasons that you can put forward to explain that. But they have been more responsive.

And one heartening development is that UNHCR, for the first time, has begun to advertise for several positions for seconding ex-

perienced NGO people in refugee resettlement to come in and work with them in the former Yugoslavia. That is certainly a development that we are very pleased with and would like to see more of.

But clearly if UNHCR has reversed itself and essentially gone from saying resettlement is not an option that we are looking for to now saying that we may be needing 50,000 resettlement places in the next couple of years, clearly staffing has to follow that kind of an assessment.

Mr. ROSENBLATT. I would say on the UNHCR question, we do want more resources on the protection side of the cutting edge, Banja Luka, Doboj, where ethnic cleansing continues, are not adequately documented. The UNHCR protection staff was really stretched to deal with the flow out from Srebrenica and Zepa. They need more depth there and more concentration.

And they certainly need to be ready for an evacuation, as we have said, in Gorazde if we are not going to defend it. If there is one thing that I want to keep underscoring in my appearance here today is that Gorazde is very vulnerable.

The mindset, again, it is not a UNHCR mindset; it is more the United Nation's approach to Bosnia out of Zagreb. I want to be very clear that when I talk about mindsets, it is really not the UNHCR's staff out there which has done a marvelous job of humanitarian assistance and I think would have done more on resettlement.

But it is more of an approach of do not do too much to help the victims because there is not too much we can do. And that is why nobody—I mean, UNPROFOR thought about the need to evacuate safe areas, guaranteed by our President, among others, and then let them simply go down the tubes without even offering a safe way out for these civilians.

So it is that mindset that we need to be sure they understand the United States is interested in these issues; and a lot will flow from that.

The overall resource level for UNHCR, as I understand it, for their humanitarian effort in the former Yugoslavia is in reasonable shape for the moment. The trick will be to have that channeled into reconstruction that makes some sense. We ought to look very carefully at moving quickly from relief to reconstruction and using, as I say, the Bosnian personnel and labor and entrepreneurial ideas that are there.

Mr. TANOVIC. If I may?

Mr. SMITH. Yes, please.

Mr. TANOVIC. As a Bosnian, I would like to say that this is the crucial part of it. If there are going to be projects of reconstruction, rehabilitation, or anything of that sort, these are major projects; and they cannot be carried out by a group of people who come from a foreign country, bring the technology and the logic that they apply in their own country and say: We will set you up in 2 seconds and make it function as it functions back home.

It does not work that way. We have enough potential in people, in resources, in everything in Bosnia. We are capable to carry out the things that will be funded or may be helped in working out by the foreign experts.

But there is definitely enough personnel in Bosnia to carry out the most complicated tasks and undertakings. So if they want the project to be carried out, I think it is crucial to take into consideration, first, giving jobs to the people on the ground, local people there who are going to find it as an incentive to stay there; who, otherwise, since they are experts, could find a job in Germany or elsewhere doing the same trade that they do back home.

So this would be a mighty incentive for the people to stay. And it would also be the only fair way to help without humiliating, because help can be humiliating. And if it is going in a way that it is respecting our own resources and our own picture of how we believe something should look, then it is with respect and it is a genuine help.

Otherwise it is a form of evangelization like, "You do not know what you need. I know what you need, and I will tell you." And that is the wrong approach. People will not be receptive to that.

Mr. ROSENBLATT. The other day, a member of the Sarajevo City Council came and called on us and he said: "It is like you have a problem and your house has been damaged and somebody says: I am here to help you, but then they come in and they decide what to give you. And they decide what priorities are there. And they come in and they give us a coat of paint using a color we do not need. We do not need paint. We need the windows repaired."

And we have got to get away from that mentality. We have got to decide how to repair our own house, and you have to sit down and talk with us.

And I think that is the point you are making.

Mr. TANOVIC. I can give you a practical example of a similar nature.

While I was in Mostar there was a delegation—I do not really remember who, at that time I was not involved in the humanitarian work; I was in the army—but my wife worked in the hospital at that time. And they were visited by a delegation who wanted to help in some way. And they made the visit to all the departments, getting the information on what kinds of goods they needed in order to function.

And I am talking about the war hospital which was shelled and under sniper fire at the time. Half of it was already in total rubble.

So they came there to ask what is needed there. The hospital was lacking the basic things like bandages, like the one that gets in contact with the wounded parts—especially for the explosive wounds, they are very dirty. That is where you need special, carefully prepared equipment and everything else.

So they gave them a list. These are professionals, doctors, who gave them a precise list of the items and quantities of the things that they needed. They even gave them like, this is the way you call it in Germany, but if you get it from America, it is going to be called some other name. So they knew exactly what they were asking for.

These people obviously could not deliver what they promised. They only raised the expectation.

They came back with like 10,000 condoms. And they said: "What do we need these for? We are in the middle of war." The guy who brought it said: "Well, you are a bunch of fundamentalists and you

do not believe in family planning." We do believe in family planning. But if they ask for surgical equipment, they have their reasons why they ask for that. They know exactly what their priorities are.

It is that kind of attitude that is going to be counterproductive. If there is a way to be sure that it goes opposite from this and opposite from what you said, that would bring about much bigger cooperation from the Bosnians. That is the most important part. Because that may be an incentive to keep the multicultural in Bosnia, because they might see this as a support to multicultural Bosnia rather than creating three totally ethnically pure states.

Mr. SMITH. Mr. Tanovic, did you say the condoms came from the United States?

Mr. TANOVIC. No. I really do not know. I am saying this is an example of international community approach, because I have not really been involved in these matters.

Mr. SMITH. It is interesting you raised that, because part of my objection to putting the refugees in with the population office was that somehow there are people who see the overall picture of refugees as being part of the population problem, as opposed to a group of disenfranchised people who are deserving of respect and help and assistance not as some global numbers, but as individuals unto themselves.

And I, like you, feel that population planning has a place; but that is over here and—I just got back from Beijing and found it very interesting when Dr. Ogola from Kenya spoke. She is a practicing physician in a Kenyan hospital right on the cutting edge of helping women and children and families and complained bitterly that she did not have penicillin and other basics to keep people alive; but she had all the IUD's and condoms she could possibly care for.

And she said: "What are the misplaced priorities of the West when all they care about is our fertility and they do not care about meeting our needs?"

Now the condoms come somewhere in the picture. But it begs the question when there seems to be this obsession with controlling numbers as opposed to helping people who are in desperate need.

And your example is just one of a thousand that I have heard over the last several years.

Mr. TANOVIC. Sir, we do see this kind of attitude as a message to us, which is telling us that we are not worthy as other people are.

When I say "refugees," I actually mean refugees and war-affected populations, because my whole town was totally dependent upon international help for months. There was no distinction, I mean totally no difference, between a refugee who came from Nevesinje, expelled by Serbs, and me, who was living in my own town.

He needs to eat; I need to eat. He cannot work; I cannot work. He goes to the front line, I do too. His family and my family were starving exactly the same way.

So when I say "refugees," I very often mean the populations that are affected by the war. And if we are treated differently with such a behavior, we would see as a message: You are a burden of the world. Or, you are something dirty in the conscience of the world,

and we do not want you to reproduce yourselves because you are creating more and more problems of that sort.

And it is an offensive message. I mean, probably it is not meant to really sound like that; but it can be understood as such.

As you said, if the people would approach it in a different way and say: "Those people need to have a normal life, as normal as possible" and "They will worry about their own family planning as it fits them," that is the choice that any other person in the world has; so why not somebody who is in the middle of the—I got married in the war. My child, if it did not happen this way that he came here when he was 40 days old, would have been born, my plan was, in Mostar, under the shells, because we believe that life has to go on.

So, you know, I am not a fundamentalist. It was a planned child, if you know what I mean.

Mr. SMITH. I understand.

I want to thank this panel for your very eloquent remarks and for your deep and abiding commitment to people in the former Yugoslavia and elsewhere in the world. You certainly not only are an inspiration of selfless action but also give us, this subcommittee, the Administration—and I hope they heed your request. We will try, and I wrote down a number of follow-up action items to follow up on. And I will look very carefully through your prepared testimonies to see what we can be doing further to encourage our own Administration.

And you heard Ambassador McKinley say earlier that they are in consultations with the UNHCR, they are thinking of this and thinking of that.

You know, ever more as we move—I think it is important that the power of the purse be used as effectively as possible for good purposes. And I can assure you that is what I will try to do as we go through these budget cycles.

The UNHCR funds come through this subcommittee and also come through the full committee and the Appropriations Committee, and we are going to be constantly overseeing and encouraging to ensure that that money is used wisely and for truly humanitarian purposes. And the same goes for the Administration.

And your insights and counsel are absolutely crucial for us to do our job effectively and wisely. So I want to thank you for your insights.

Also, I note (Mr. Frelick and Mr. Rosenblatt, you know this, but our distinguished friend may not know it), that the lack of the attendance here is in no way indicative of the fact that there are many members on both sides of the aisle—Howard Berman; my Ranking Member, Tom Lantos; Chairman Gilman of the full committee—who believe very, very strongly on these issues. Some are at the White House right now at the signing ceremony and have been there most of the day.

But the information you give and have provided today will be used, and I want to thank you so much for that. And let us keep this dialog going, because we want to do the best job possible for the people who are hurting.

Mr. TANOVIC. Thank you very much.

Mr. FRELICK. Thank you, Chairman Smith.

Mr. ROSENBLATT. We appreciate your dedicated leadership. It is a crucial time to be looking at these issues.

Thank you again.

Mr. SMITH. Thank you all.

The subcommittee is adjourned.

[Whereupon, at 4:50 p.m., the subcommittee was adjourned, to reconvene at the call of the Chair.]

APPENDIX

Ambassador Brunson McKinley
Bureau of Population, Refugees, and Migration

September 28, 1995

Before the
House International Relations Committee
Subcommittee on International Operations and Human Rights

EMBARGOED UNTIL 2:00 P.M., SEPTEMBER 28, 1995

Ambassador Brunson McKinley
Bureau of Population, Refugees, and Migration

Mr. Chairman and members of the Subcommittee, I appreciate this opportunity to appear before you today to discuss Bosnian refugees, particularly the issues of humanitarian assistance in the former Yugoslavia, and the U.S. refugee resettlement program for Bosnians.

PROTECTION ISSUES

Before I discuss USG efforts on behalf of Bosnian refugees and humanitarian efforts following a peace settlement I would like to raise two immediate issues of refugee protection.

The United States is concerned about the recent decision by the Croatian Government to revoke the refugee status of the more than two hundred thousand Bosnians currently residing in Croatia. This precipitous action could lead to the forced return of tens of thousands of people to areas that are neither safe nor prepared to receive them and would jeopardize the lives of this needy population. The UN High Commissioner for Refugees has protested this move. We support High Commissioner Ogata in her efforts.

We note that the Government of Croatia has over the past several years been generous in its treatment of refugees, and we recognize the burden that this population has placed on Croatia's resources.

Ultimately, we expect that most of the refugees and displaced persons who have fled their homes will return. Their return, however, must be part of a coordinated international effort in the context of the overall peace process and in accordance with international standards. Such an effort will ensure that repatriations take place in safety and dignity and that appropriate safeguards and assistance programs are in place to help returnees begin the process of rebuilding their lives and their countries.

We cannot discuss the plight of refugees in Bosnia without touching on the gross violations of international standards by governments that have added to the needless misery of this war. Bosnian Serb atrocities against the men and boys of Srebrenica have called down universal condemnation. We appeal to all parties to the conflict to recognize and act according to international norms of humane handling of prisoners and civilians. Abuses tolerated now will poison the atmosphere for the peace settlement and establish tragic patterns for the post-war treatment of the people of Bosnia. Now is the time -- with peace perhaps at last at hand -- for the leadership of all armies and governments in the region to put an end to the senseless killing and mistreatment of non-combatants and lay the foundation for a Bosnia where the rights of all groups are respected and protected.

U.S. LEADERSHIP

Since the beginning of the crisis in the former Yugoslavia, the United States has performed its historic role as the world leader in refugee affairs, working in concert with UNHCR, other international organizations, the international community, and non-governmental organizations, to develop humane, effective, and coordinated assistance programs for the victims of the Balkan conflict. Despite enormous obstacles, this massive international relief effort has succeeded in providing life-sustaining humanitarian relief to millions of people who have been uprooted by the conflict. Since FY 91, the United States Government has contributed nearly \$1 billion for humanitarian assistance programs in the former Yugoslavia. In addition, since 1992 the U.S. has been involved in providing medical assistance to refugees and displaced persons. We have contributed funding for medical care and supplies, and for the transportation to the U.S. of 358 wounded or seriously ill children and adults in need of specialized care and 280 accompanying family members.

Throughout the crisis in the former Yugoslavia the United States has also played a leadership role in providing permanent resettlement opportunities for refugees whom the UNHCR has identified as needing resettlement. When the UNHCR appealed to the international community in late-1992 to provide resettlement places for recently released Bosnian Muslim detainees, the United States was the first country to respond with resettlement places. We have continually increased admissions numbers as needs arose. Since 1993 the U.S. has provided permanent resettlement for almost 19,000 Bosnian refugees. We have planned for 15,000 admissions for FY 96, which can be augmented if necessary. Again this past July, UNHCR appealed for additional resettlement places (5,000 in 1995 and possibly 50,000 in 1996 and beyond), and the USG immediately pledged to accept up to 50 percent of both groups.

Now let me turn to a more in depth review of USG efforts on behalf of humanitarian programs for refugees and displaced persons from the former Yugoslavia.

USG HUMANITARIAN RESPONSE

Currently, there are at least 3 million people displaced or threatened by the conflict in the former Yugoslavia. This includes 1.4 million in Bosnia-Herzegovina, another 980,000 in the Balkan region, and some 775,000 in Western Europe.

The largest recipient of USG funds is the UNHCR. The United States is also the leading contributor of commodities to the World Food Program and is a key donor to the International

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Committee of the Red Cross (ICRC) and the International Organization for Migration (IOM). The Department of Defense has provided air lift to move humanitarian relief supplies to Sarajevo and other strategic points. Despite fighting and obstacles caused by the lack of access and security to deliver relief commodities, these efforts have been remarkably successful; saving countless lives. The international community has responded well.

In addition to providing funding for international organizations, the United States Government has made substantial contributions to various non-governmental organizations (NGOs) operating in the former Yugoslavia. Both the State Department and USAID have funded NGO-run programs which supplement the efforts of UNHCR, WFP, and ICRC by providing not only emergency foodstuffs and shelter supplies, but also medicines, medical supplies and emergency and longer-term medical care to refugees, displaced and other war-affected populations.

U.S. BOSNIAN REFUGEE RESETTLEMENT PROGRAM

Throughout the Bosnian crisis, the U.S. has stated its willingness to use our refugee admissions program to address the needs of refugees requiring third country resettlement. The U.S. was the first to respond to UNHCR's 1992 appeal to the international community to resettle released Bosnian detainees. Other governments followed our lead. In the early stages, most Bosnians were reluctant to resettle in the U.S. given the distance from their homeland and unfamiliarity with this country. Since 1993, however, almost 19,000 Bosnians have resettled here and interest in U.S. resettlement has grown steadily. In FY 95 alone, nearly 10,000 will arrive, up from 7,000 last year. Looking ahead into FY 96, we predict the U.S. may need to admit Bosnian refugees in even greater numbers. We have planned for 15,000 admissions for FY 96, which can be augmented if necessary. Cooperation from our INS colleagues has been outstanding. In spite of competing demands, INS has been extremely responsive to the urgent processing needs of Bosnians in Croatia.

UNHCR issued an appeal to the international community on July 31 to immediately make available some 5,000 resettlement slots in 1995 and to plan for a contingency group of some 50,000 in 1996 and beyond. The U.S. promptly responded with a pledge to take up to 50% of both groups -- or 2,500 this calendar year and up to 25,000 in 1996 should the need arise. We also approached European and other resettlement countries to encourage them to respond positively and generously to the UNHCR appeal. With recent progress in peace negotiations, we are hopeful that use of this emergency measure will never become necessary. If it does, we are committed to playing a leading role.

Today, broadly speaking, those eligible for resettlement in the U.S. are "vulnerable" Bosnians referred by UNHCR (victims of violence and torture, families of mixed marriage) and Bosnian Muslims with relatives already in the U.S. We have ensured that Bosnian Muslim applicants enjoy the most liberal access to our program of any nationality group. This means that, unlike other nationality groups, Bosnian applicants with fairly distant relationships to persons in the U.S. are eligible for interview. UNHCR has used the generous U.S. family composition criteria as a model when seeking family reunion opportunities for Bosnians with relatives in European countries. In addition, we work closely with the International Committee of the Red Cross and UNHCR to interview any applicant in need of third country resettlement, regardless of the existence of U.S. family ties. UNHCR case referrals for resettlement grew steadily throughout FY 95 and will account for over a third of the admissions total to the U.S. this fiscal year.

Some concerned observers argue that we should immediately change and broaden the eligibility criteria. In considering this, several issues arise: the rapid displacement of ethnic Serbs currently taking place in Bosnia, the potential effects of a peace settlement on all sides, and the need for special handling of particular groups like prison camp detainees. While the situation is changing rapidly, the first priority must be to help people reach safety and ensure that they are fed and sheltered. Once the situation stabilizes, "durable solutions" for the hundreds of thousands of refugees and displaced persons will need to be addressed. Hence, we stand ready to consider changes to the eligibility criteria as need will dictate.

While humanitarian assistance is provided inside the country, refugee processing for third country resettlement takes place outside of Bosnia, primarily in Zagreb (Croatia) but also in Belgrade (Serbia), Vienna, Frankfurt, Rome, Istanbul, Athens, and Madrid. Conditions inside Bosnia remain too unstable to support in-country processing. In addition, the Bosnian government would need to approve of an in-country operation. To date it has been opposed to initiatives which lead to the depletion of its population. The rapid changes inside Bosnian territory and the progress of the peace process may create a totally new situation in the near future, one that calls for and supports in-country processing. As with changing eligibility criteria, we are ready to adapt to this need when and if it arrives.

HUMANITARIAN EFFORT FOLLOWING A PEACE SETTLEMENT

Let me now say a brief word about the future.

A settlement of the Bosnia war along the lines of the September 8 and September 26 agreements will initiate a new phase in the international humanitarian effort in the former Yugoslavia. The existing requirement for shelter, health care, food and other services for refugees and displaced persons will continue and may even surge initially. It will diminish as people find homes and as governments become fully competent to care for their own citizens. New requirements will appear immediately:

- o Redrawing the map of Bosnia-Hercegovina will lead to new population movements.
- o Serbs, Croats and Muslims in the Balkan area will begin to return or resettle, spontaneously or under pressure.
- o Western European governments sheltering large numbers of refugees in temporary protection will begin planning for their return. Ideally, these returns will occur in a second phase once refugees and displaced persons in the territory of the former Yugoslavia are well on the way to finding durable solutions.
- o Overseas resettlement, or permanent resettlement in countries of temporary protection, may prove to be the best or only solution for especially vulnerable individuals and families.

In the early stages of the post-settlement period, the international community will have many urgent humanitarian tasks. We will need to develop return and resettlement plans, organize and fund transportation and temporary shelter, supply food assistance as needed, design a mechanism to address claims and compensation for people who have lost their homes, help rehabilitate damaged housing and provide other forms of assistance.

This will be a major effort. Connecting humanitarian to reconstruction aspects of the post-settlement period will also be important. We have already begun working with our European and international partners to help Bosnia recover and rebuild after the tragic war.

That concludes my remarks. I will be happy to respond to your questions.

REFUGEES
INTERNATIONAL



STATEMENT OF LIONEL A. ROSENBLATT, PRESIDENT
REFUGEES INTERNATIONAL

HEARING ON BOSNIAN REFUGEES BEFORE THE
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS
COMMITTEE ON INTERNATIONAL RELATIONS

U.S. HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 1995

Chairman Smith and Members of the Subcommittee:

On behalf of Refugees International, thank you for asking me to testify today at this critical juncture in the Bosnian conflict. Since the beginning of the war, we have been following closely the situation in Bosnia with emphasis on protection of human rights and humanitarian assistance. I have made a number of trips to Bosnia and spent several months in Sarajevo and Tuzla. Our testimony is recommendations-oriented, based on these field missions.

During the last 42 months of fighting in Bosnia, Refugees International has urged strong action against the Bosnian Serbs to deter further crimes against humanity. The recent, sustained NATO air strikes are an important watershed and we commend President Clinton's leadership, in contrast to the previous, unconscionable inaction of both the Bush and Clinton Administrations.

For a brief period after the Sarajevo market massacre in February 1994, NATO appeared to be serious in protecting the Bosnian people from indiscriminate slaughter, but the Bosnian Serbs placated us with minor concessions and an appearance of readiness to seek a peace agreement. Thereafter, until the recent NATO air campaign, we were unable to muster the political will to counter Bosnian Serb aggression and atrocities. This shameful lack of will and commitment by NATO and the UN severely damaged the credibility of both organizations.

Should we falter again, should our commitment to seeking peace and protecting basic human rights in Bosnia once again prove to be temporary and illusory, NATO and the UN will suffer a permanent loss of credibility. The real victims of our vacillation have been, of course, the Bosnian people who have already suffered from the worst humanitarian catastrophe in Europe since World War II.

In short, we believe that the NATO air strikes are an important and positive breakthrough, provided we demonstrate our will to follow through to achieve peace and to protect the human rights of all the people of Bosnia. U.S. leadership has been the driving force for these ongoing peace negotiations. Assistant Secretary of State Richard Holbrooke has taken shuttle diplomacy to new heights with his indefatigable efforts. But much remains to be done to insure a multi-ethnic Bosnia, free from human rights abuses and on the road to reconstruction.

Let me review briefly some of the recent atrocities which apparently prompted the U.S. and NATO countries to undertake an air campaign against the Bosnian Serbs. In July, the enclaves of Srebrenica and Zepa, declared safe areas by the UN Security Council, were attacked and overrun by the Bosnian Serbs and abandoned by the international community which did not even try to protect their residents.

You may recall that a previous UN commander, General Phillipe Morillon, personally pledged that Srebrenica would never be allowed to fall; yet, the U.S. and other members of the Security Council walked away from that promise. The UN never even considered seriously

an effort to guarantee safe evacuation of civilians who wished to leave. Astonishingly, one UN official in the region told me just before Srebrenica and Zepa succumbed that such an evacuation of civilians would abet ethnic cleansing. Apparently any excuse not to act to save lives was the prevailing norm, until the U.S. finally said enough.

Three of us from Refugees International were among the first foreign observers to reach the Srebrenica survivors. We will never be able to forget the anguished wailing of the women as they asked for news of their men and as they asked why the international community had promised to protect them and then fled the scene.

RECOMMENDATIONS:

SARAJEVO:

The siege of Sarajevo has been eased but not relieved. UNPROFOR recorded over 200 shooting incidents in Sarajevo on September 26. The murder and shooting of innocent civilians by snipers continues, utilities are shut down and the free movement of people is still constricted. Also, there is uncertainty about whether the Serbs have withdrawn their heavy weapons from Sarajevo. We believe that the Bosnian Serbs should be required to meet several conditions on the humanitarian front:

- Desist from all attacks on civilians
- Lift the sieges of Sarajevo and all other safe areas to allow free passage for humanitarian and commercial shipments, as well as people.
- Open up the flow of electricity, gas and water.

No foreigner did more to help Sarajevo survive than American disaster relief expert Fred Cuny. In conjunction with the International Rescue Committee, he brought in life-saving aid, including water and gas projects.

Fred disappeared recently in Chechnya, but he would be heartened that NATO has finally acted to stem Bosnian Serb aggression. He would underscore the need to remain firm and resolute.

GORAZDE AND TUZLA:

Gorazde, the only remaining Bosnian area in Serb-held Eastern Bosnia, and Tuzla, with its economic importance and high concentration of displaced must be protected vigilantly.

- Supply routes to Gorazde are still highly restricted and recent shelling of the city was reported by the UN on September 25. UN resupply and continued protection are imperative to the survival of its civilians; we should be prepared to resupply Gorazde via airdrops of humanitarian supplies should it be necessary.
- Main roads in and out of Tuzla were re-opened last week by Bosnian forces; the UN must now guarantee safe routes for humanitarian and commercial traffic.
- The Tuzla airport should be re-opened.

SREBRENICA AND ZEPA:

Srebrenica was overrun by Bosnian Serb forces on July 11, 1995. Within two weeks, the Bosnian Serb Army (BSA) also seized Zepa. For many of the displaced, this was the second or third time they had become refugees; Srebrenica and Zepa had been their last refuge, their last hope. The UN had promised protection and safety; these civilians had disarmed themselves and put their trust in these promises. When the Bosnian Serbs attacked in July, civilians were forcibly expelled from the two enclaves, with no resistance from UNPROFOR forces assigned to protect these UN-declared "safe areas." Tadeusz Mazowiecki, the UN Rapporteur on Human Rights, resigned in protest of the atrocious crimes against humanity, as well as the deplorable lack of UN response. As of September 27, the United Nations High Commissioner for Refugees (UNHCR) estimates that there are over 40,000 refugees from Srebrenica and Zepa.

In Srebrenica, the BSA detained all men of fighting age, 15 to 50 years old. Many fled on what became a death march, according to the relatively few survivors (some of whom we interviewed). There are also satellite photos of sites which appear to be mass graves, but which are barred to outsiders.

On July 26, Bosnian Serb officials formally gave the International Committee of the Red Cross (ICRC) permission to visit Srebrenica and Zepa detainees. To date ICRC has been allowed to interview only 164 boys and men from Srebrenica and 44 from Zepa. In comparison, ICRC was given immediate and total access to the newly-captured territories in western Bosnia. Furthermore, within a week of the Croatian Krajina offensive, ICRC officials were given access to Serb detainees. As of September 25, ICRC has interviewed 880 detainees and been allowed regular visits to six detention centers, as well as free access to monitor newly re-gained territories and transit centers.

Senior U.S. officials have noted that the fall of Srebrenica and Zepa led to the decision to protect the remaining UN-designated "safe areas," but nothing has been done to push forward the effort to determine the fate of the 8,000 missing boys and men from Srebrenica and an undetermined number from Zepa. I fear that most of the missing are dead. The recent excavations of mass graves in Kluj graphically demonstrate the Bosnian Serb capacity for genocidal massacre.

The U.S. should insist as a pre-condition for continued negotiations that the ICRC be given access to the Srebrenica survivors. The Bosnian Serbs must:

- Account for those missing in Srebrenica and Zepa.
- Permit free access for the ICRC and international forensic teams to interview survivors and to investigate apparent grave sites.

BANJA LUKA:

The Banja Luka region is a powderkeg ready to explode. The recent Croatian offensive resulted in an exodus of 180,000 Krajina Serbs. Over 30,000 Krajina Serbs have resettled in Banja Luka. As a result, Bosnian Serb authorities have expelled 15,000 Muslims and Croats from the area. Now, the Bosnian/Croatian forces are near Banja Luka and further jeopardizing

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regional stability. More than 100,000 Bosnian Serbs have been displaced in Central Bosnia during the Bosnian/Croatian advance and the numbers are rising. The Muslim and Croat minorities in the region are sure to suffer further as they become targets of Bosnian Serb aggression.

- Great care should be taken not to displace civilians of any ethnic group.
- End Bosnian Serb ethnic cleansing in Banja Luka and elsewhere.
- Investigate all charges of human rights violations, especially the detention of Muslim and Croat men and boys.
- Enforce ICRC-brokered arrangements allowing for the reunification of families and for their safe evacuation out of Banja Luka as directed by the UNHCR and ICRC.
- Provide assistance to refugees and displaced of all ethnic groups - with special emphasis on the recently arrived Bosnian Serbs in Banja Luka.

THE CROATIAN AND BOSNIAN GOVERNMENTS:

While not comparable to the Bosnian Serb actions in Srebrenica, the Croatian offensive stimulated great fear among civilians and the largest mass exodus of this war, along with numerous human rights abuses. The latest joint Bosnian/Croatian offensive is affecting tens of thousands of Bosnian civilians of all ethnic backgrounds. The U.S. should be stressing to the Croatian and Bosnian governments their humanitarian obligations:

- International monitors (including UN and ICRC personnel) should be guaranteed complete freedom of movement and unrestricted access to conflict zones to observe conditions and to reassure the civilians.
- Governments of all warring parties must cooperate with international humanitarian organizations to ensure fast and effective provision of relief services.

I want to say a word here about proportionality. Many distinguished commentators on Bosnia have consistently reminded us that no party to the conflict has clean hands. This truism cannot be used as an excuse to overlook human rights atrocities by the chief aggressor, the Bosnian Serbs, against the principal victims, the Bosnian Muslims. **That being said, Croatian and Bosnian government forces must act with utmost restraint.**

The international community should insure that the Bosnian Croats and the government of Croatia do not turn on the Bosnian Muslims. **The danger already exists that Bosnia, weak and small, may be crushed between a resurgent Croatia and Serbia.**

HUMAN RIGHTS AND THE INTERNATIONAL WAR CRIMES TRIBUNAL:

Any peace settlement must safeguard the human rights of civilians. The international community must support the work of the International War Crimes Tribunal at The Hague to investigate and prosecute war crimes and to guarantee that monitoring of human rights violations is thorough and unobstructed.

- The Tribunal needs full UN budgetary and administrative support to perform its functions efficiently; a senior official at UN Headquarters should be named to enhance this.
- The UN and foreign governments must give high-level attention to their involvement

in the workings of the War Crimes Tribunal.

- The U.S. should provide maximum help to the War Crimes Tribunal by increasing its voluntary contributions and by contributing lawyers and investigators to facilitate its work. We commend to the Committee's attention, the Coalition for International Justice, an ABA-supported organization to raise funds and provide *pro bono* lawyers and technical personnel to the War Crimes Tribunal.
- No consideration of amnesty or weakening of the War Crimes Tribunal in any final settlement package can be allowed.

RECONSTRUCTION, REINTEGRATION, AND RESETTLEMENT:

Close to three million Bosnians have been displaced or are dependent on humanitarian aid for their survival; many have sought refuge in other countries. Croatia alone has received over 385,000 refugees from Bosnia and is toughening its admission and asylum policies. For the last twelve months Croatia has linked the right of asylum for new Bosnian refugees to firm guarantees of resettlement from UNHCR and third countries, including the United States. Accordingly, the U.S. and other countries should act to resettle some cases from Croatia to ease the pressure and to insure that no newly arriving refugees who face life-threatening circumstances are turned away. Also, the U.S. and the international community should insure that Croatia does not prematurely force refugees to return to Bosnia. Refugees will return home in numbers when peace appears viable and when the economic and social structure of Bosnia can absorb them.

Recently, on September 22, the Croatian government issued a directive revoking the refugee status of tens of thousands of Bosnians. This directive is the first stage of a plan to repatriate 100,000 Bosnian refugees. Already during the month of September more than 2,000 Bosnian refugees expelled from the Banja Luka region, who were granted asylum in Croatia, have been forcibly returned to Bosnia. Many have been returned to Bihac and Glamoc, which are still besieged by continued fighting and are entirely unable to support the additional population. This plan for forced return of refugees is being implemented in cooperation with the Bosnian government which wants to repopulate re-captured territories. However, at this juncture, the conditions have not yet been met for a safe and successful repatriation.

Repatriation must go hand-in-hand with protection and reconstruction. Donor countries and UN agencies should prepare to shift rapidly from relief to reconstruction. Maximum emphasis should be placed on stimulating local production and using local expertise and labor. Projects should be conceived jointly with local officials. Consultation with beneficiaries should insure that we move quickly from the hand-out mentality to helping people to help themselves.

- We protest the Croatian government's forcible repatriation of over 2,000 Bosnian refugees and their revocation of refugee status for up to 100,000 more; we strongly urge that Croatia immediately cease the forced return of Bosnian refugees.
- The peace agreement should take account of the need for reintegration with adequate financial support, as well as the need to resettle some persons outside the region in Europe, the U.S., and elsewhere.
- Since February 1993, the U.S. has resettled only 15,000 Bosnian refugees. In July 1995,

UNHCR made an appeal to governments to provide resettlement or temporary protection for 50,000 Bosnian refugees, asking that 5,000 be admitted immediately. The U.S. agreed to admit immediately only 2,500 in Fiscal Year 1995 and 15,000 in FY-96. Even in the event of an eventual peace settlement, thousands of refugees will not be able to return to Bosnia. This is especially true for Bosnian Muslim refugees from the territory firmly under Bosnian Serb control.

We recommend that the U.S. increase the FY-96 resettlement ceiling for Bosnia to 20,000; this should be accomplished by increasing the FY-96 overall refugee admissions ceiling by 5,000, rather than by taking from other regional refugee allocations.

- European countries and the U.S. should convene a regional conference to better coordinate and accelerate reintegration and resettlement of Bosnian refugees by UNHCR and other agencies; specifically, these participants should allocate assistance funds and resettlement places for UNHCR.

CONCLUSION:

Mr. Chairman, while the NATO air strikes have at last provided an opportunity for peace, the road ahead will require consistent firmness and diligence. The humanitarian roadmap in Bosnia is especially crucial and should not be overlooked. We seek a Bosnia where human rights are respected, where life-threatening humanitarian needs are met, and where reconstruction moves forward rapidly and effectively.

There is still the threat that Bosnia could be crushed between an intransigent Serbia and a resurgent Croatia. Only strong U.S. leadership can prevent this.

Let me re-cap our major humanitarian recommendations:

- Sarajevo and the other safe areas, especially Gorazde, remain under partial siege. All roads and airports must be re-opened to allow a safe and free flow of commerce and people, as well as humanitarian aid. Gorazde remains very vulnerable to Serb attack. If the civilian population is not going to be protected, a safe evacuation must be organized by the UN and/or NATO.
- Srebrenica and Zepa survivors should be accounted for before the current negotiations are permitted to conclude; ICRC and other investigators, including forensic experts, must be guaranteed immediate and total access to the entire conflict zone.
- The atrocities of Bosnian Serb ethnic cleansing are well-documented; the U.S. should demand immediate cessation of ethnic cleansing in Banja Luka and Doboj, and wherever else it occurs. Such Bosnian Serb crimes against humanity demonstrate that we cannot ease efforts to investigate and prosecute these crimes. The work of the War Crimes Tribunal will ease the transition to peace in Bosnia; the international community must encourage and support their role.
- Bosnia should remain multi-ethnic without right of the Bosnian Serbs to secede.

Humanitarian assistance should not be used to bludgeon Bosnia into submission.

- Croatia shelters close to 400,000 Bosnian refugees; the Croatian government has begun to implement a plan to forcibly repatriate at least 100,000 of these. The safety and relief support for the returnees have yet to be established and, until conditions permit, involuntary repatriation cannot be tolerated.
- To ease the burden on Croatia, international resettlement should continue for those Bosnian refugees unable to return home. European countries should take the lead, but the U.S. should accept at least 20,000 refugees from Croatia in FY-96.
- To facilitate return of refugees and to get Bosnia on its feet, prompt and generous reconstruction assistance should be provided by donor governments, principally European, augmented by the U.S.. All reconstruction assistance should be aimed at promoting the efforts of the Bosnian people to help themselves.

Mr. Chairman, we thank you for this hearing to spotlight the humanitarian needs in Bosnia and the vital necessity to end decisively the Bosnian Serb capacity to commit crimes against humanity. After years of appeasement we, and our NATO allies, finally have drawn the line. Now we, and our allies, must ensure that the Bosnian Serbs understand the firmness of our commitment and our unwavering resolution.

The tragedy of Bosnia has taught us that peace and justice will not be achieved without U.S. leadership and a credible threat of force to back up the efforts of our diplomats and peacemakers. We compliment the Clinton administration for its belated recognition of these facts. Continued vigilance by your Committee will assure that our government, the UN, and our NATO allies remain steadfast.

Today, we have an opportunity to stop the slaughter of civilians and advance towards peace. If we let the opportunity slip away--as so many opportunities have in the last three and one-half years--the U.S., NATO, and the UN will be severely damaged and we will only have postponed a wider war.

SEMIR TANOVIĆ

Program Assistant, International Rescue Committee
Refugee from Mostar, Bosnia and Herzegovina

Hearing on Bosnian Refugees
September 28, 1995

House Committee on International Relations
Subcommittee on International Operations and Human Rights

September 20, 1995

Hearing on the Subject of Bosnian Refugees

September 28, 1995

Witness: Semir Tanovic, Refugee From Mostar, Bosnia and Herzegovina Program Assistant International Rescue Committee

House Committee on International Relations

Subcommittee on International Operations and Human Rights

My name is Semir Tanovic. I come from Mostar, Bosnia and Herzegovina. I am married and my wife and I have one child. My background is in linguistics. However, I was in the travel business -- I co-owned a travel agency with two partners. Our agency was doing very well, selling tours all over Europe, not just in what was then Yugoslavia. My wife was a surgeon in Mostar Surgical Hospital. We were married in June of 1992 (under the air raid).

My story is a very personal one, but there are thousands of stories like mine. As evidence, look at recent events in Zepa and Srebrenica. Thousands of people like myself have been persecuted and will not be able to go home -- people who need protection from the world community.

When the war in Croatia started, it was evident that it would spread into Bosnia as well. My city, Mostar, was occupied by the Yugoslav Army before the war even started. Approximately 15,000 - 20,000 soldiers were stationed there while Yugoslavia was still one country.

Ninety-eight percent of these troops were Serbs and Montenegrins. They were terrorizing the city - they would go out armed, enter the bars armed, go all over the city shooting, intimidating the people, singing songs that would make one's blood freeze. The texts of these songs were very hateful and they were calling for war and massacres. They meant it.

The war started on the pretext of a Yugoslav commander that two of his officers had been kidnapped. He said that if they were not returned by that afternoon, he would "level the city to the ground." Both officers were non-Serbs and actually defected. Even before this ultimatum was issued, Mostar was encircled by the Yugoslav army. The whole city was surrounded by their posts and full of their artillery.

In the following months, the city was shelled and leveled to the ground. Atrocities carried out were documented in police reports and the news.

Meanwhile during the war with the Serbs, the Croats were establishing more and more control over Mostar. They took all management positions in the city by overthrowing the legally elected prewar government through a military coup-d'etat. It is through this military government that they achieved absolute control over the city's life.

This was quite obvious in the hospital where my wife worked. About 80 percent of the doctors were Bosniaks, but the rest, 20 percent, who were Croats, held all the managing positions and made all the decisions. In any given department there had to be one or two Croat doctors and one Croat doctor would become head of the department. It was funny in the case of my wife's department - she was a plastic surgeon. Her prewar-war boss was a Serb doctor who stayed with us in Mostar throughout the whole war. She was a Bosniak. There were no Croat doctors in that department. Croats closed the department and absorbed it into General Surgery (headed by a Croat doctor). This method was used in every company, in every organization.

This is when the real exodus of my people started. It was not the shells, bombs, air-raids or snipers that drove the population out. That is something people learn to cope with. It was this methodical control over everybody's life, the absolute change in the system of values and the fear of "personal persecution," when you actually are arrested and herded and interrogated and killed, that drove the large numbers of people from the city.

My father was a Vice Chancellor of the Mostar University. He was a professor of German and English. When Croats wanted to change the name of the University to "Croatian University of Mostar" he protested against that. Unfortunately, not enough people had the courage to protest against this, so he was one of the few. All of these people, including my father, resigned from their positions, because they did not want to give legitimacy to the project that promotes modern apartheid and national chauvinism.

I was working for IRC at the time. It was difficult because the military government of the city wanted to impose its control over IRC operations. I did my best to prevent this and thus made enemies in the military government.

On May 8, 1993, I left Mostar for a day, in order to attend an IRC event. My wife, who was in her eighth month of pregnancy and was still working in her hospital under shells and snipers, was accompanying me. She needed to check on some public health issues and ways that IRC could help in solving them. We left for one day and were supposed to be back by 8:00 a.m. the next morning, May 9, 1993, because she was supposed to be on duty in her hospital. I had to resume my work as a field officer for IRC.

We have never seen our city since that time. That night, between May 8 and May 9, Croatian Militia and Croatian Army attacked our city, herded tens of thousands of people to a soccer stadium and pushed them into several concentration camps. We found out that we were both on the liquidation list and that there was no way for us to go back. We also learned that they were killing many people on the spot, mainly the people they thought would be able to organize any kind of resistance: intellectuals, doctors, lawyers, private businessmen. Many were taken to the concentration camps. Lot of those who were arrested by their neighbors, who knew who they were, were killed immediately, the others were taken to the camps and killed there, some of them survived the camps.

We learned that my wife's family was in the concentration camp. My family was not touched yet. Later, my family was all expelled (they were lucky not to be detained or killed, but just expelled). My wife's family was later exchanged and/or released and then expelled. It was already June.

We were in Split, Croatia, in hiding and hoping that this would last a month or two and then calm down, because we believed that the world would not let one more genocide happen to the same people. We were dead wrong. We knew this when we received a visit from a Croatian Militia intelligence officer. In spite of the fact that we were living near international IRC staff who we thought would give us protection, we knew we were no longer safe. We had to leave.

We applied for the U.S. resettlement program. We were scheduled for an interview with the Immigration and Naturalization Service (INS) officer on June 16, 1993. Maybe due to the stress and efforts, my wife started the delivery earlier than scheduled. This was a big problem. First she had to deliver in the hospital, where her name would be obvious. Secondly, there was no way for her to deliver a baby in one day and go to the INS interview the next day. According to the rules, no one can be interviewed for another person. This meant that we would have to wait for the July interview and October trip. We had not have that time. Thank God, the INS officer understood the situation when it was presented to him by the case worker and he agreed to interview me for my wife. If he did not, I would not be able to give you this testimony.

In the meantime my wife was left unattended in the hospital for 12-14 hours, because she was a Bosniak, a Muslim. Both she and our son almost died because the umbilical cord was wrapped around his neck. When the hospital staff realized that they could both die, and by their most direct fault, they helped them and that is how our son was born.

We came to this country on July 27, 1993. Our son was 40 days old. My parents were with us. The rest of our family followed a month and a half later.

Thank God that my father had a relative in the United States. If he had not, our case would not have meant a thing. We would never even have been considered for admission to the United States, because the rule is that you either have a relative in the States or you get a referral letter from United Nations High Commissioner for Refugees (UNHCR).

I have to state here that a "referral letter from UNHCR" is an abstract thing or at least it was at the time. Almost nobody was given these letters, especially no Bosniaks. The only people I know who got these letters were some Croats married to Bosniaks, who were not welcome in their "ethnically pure Mostar."

I met a man in Split who was in six concentration camps (three Serbian, three Croatian). He applied for the referral letter and he was denied, because his case was not strong enough. I know people who were arrested in Split while trying for months to obtain these letters. They were sent back to Croat-held Bosnia to dig the trenches for the Croats on their front lines against Bosniaks.

As a refugee, I have to say that this referral letter issue, has been painful and costly in lives. I can only guess how many lives were wasted because somebody in UNHCR had the power to decide about who could come into the United States and who could not. It was shocking for me to learn that the United States was allowing the UNHCR to do the selection for the resettlement program.

While we were in this process I learned about the life of refugees in other countries. We learned that in Italy refugees are given a "permit to be there," which does not mean anything. They are basically allowed to work if they can find work, but most of them were placed in the regions where there was not enough work for the locals, let alone the refugees.

In Denmark, they contained the problem by keeping the refugees in the camps, giving them food, shelter and a little bit of pocket money, but no right to work at all and no legal status. It is only several months ago that Denmark approved the legal status for the very first refugees, who came to Denmark in 1991 and 1992. Even this is not for all the refugees who have similar arrival dates. There are additional requirements to be met before they will give them any kind of more permanent status.

In Sweden, they keep them on the quarantine boats for months, as if they are bringing plague with them. They cannot work, with some exceptions.

In Germany they give them so-called "Duldung Status", which means that they are "temporarily put-up-with". I believe this tells about the attitude toward the refugees there.

In England they do their best to make sure no one gets in, but those who do, are ignored and not given any permanent status. In Portugal, a group of Bosnian refugees was stoned in their refugee center. The center was vandalized. In Spain, refugees were put in jail and forcefully repatriated.

Croatia, the country which in many cases is the country of first asylum, has just started the process of forced repatriation. The refugee status for thousands of people has been withdrawn and these refugees are now being forced to return to areas in Bosnia that are still not safe.

It is only America that helps when refugees come, helps them find jobs and learn the language so that they can become contributing members of society as soon as possible. It is only here that nobody feels a total foreigner, that one can look for work, find it, be productive and regain one's dignity again..

There are tens of thousands of people out there, especially in Europe whose only chance to be human beings, to work for their living is to come here. My cousin who came here from Denmark started working within two weeks of his arrival. When he received his first paycheck he was crying out of joy and he told me: "This is the first time in two years that I feel like a human being again - I earn again." He is paying taxes already, so am I, so are many, many refugees who came here. Soon after, they start repaying this society for what was done for them.

The Bosniaks from Eastern Bosnia and Herzegovina, which is Serbian held have absolutely no hope of going back. Even if the mediators managed to negotiate an agreement which would allow refugees to go back, very few believe that even with such an agreement they can go home. They were not eradicated by an

earthquake or a thunder or a hurricane - they were eradicated by their neighbors. Who knows how many of these refugees are unpleasant witnesses for all kinds of activities and how "glad" would the perpetrators be to see them again? It is still difficult for Bosniak refugees to return to Croat-held parts of Bosnia.

The aftermath of a war is not like an aftermath of an earthquake or hurricane. When there is a natural disaster and it stops, everything lightens up immediately, people's faces are joyful and they help each other recover. When you have a war in which even many decent people become hateful and malicious, it will take a long time for the victims to have enough trust to go back and face the same neighbors again.

There is another problem. There are still many areas controlled by the same people who ordered the concentration camp activities and massacres. It will be difficult for people to go back and live under these conditions.

Tens of thousands of people are in that situation. They are scattered all over Europe and the world. Their only hope is that the United States of America will help them. America can help by establishing repatriation programs, for which there will definitely be a big need, when the war is over. Please do not forget these resettlement and protection programs. They are the only hope for many. I hope that you will be able help them.

Also there will still be a critical need for relief and reconstruction programs. We Bosniaks certainly hope that none of these aspects will be forgotten. The international community has always followed the lead of America. If you give a good direction and the rest follows, that will, at least, mitigate to an extent the consequences of this horrible war. You can make a difference for the refugees. Please do not fail to do it.

Finally, thank you for giving me the opportunity to speak on behalf of Bosnian refugees.



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Testimony

REFUGEE PROTECTION IN AND AROUND BOSNIA

by

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U.S. Committee for Refugees

before the

House Committee on International Relations

Subcommittee on International Operations and Human Rights

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USCR, a private, humanitarian agency, has been informing the public since 1958.

REFUGEE PROTECTION IN AND AROUND BOSNIA

Thank you, Chairman Smith, for the opportunity to testify regarding the humanitarian needs of Bosnian refugees and displaced persons.

The U.S. Committee for Refugees is a nonprofit, nongovernmental organization, which for 37 years has defended the rights of refugees, asylum seekers, and displaced persons in this country and throughout the world. Our organization has been documenting the conditions of refugees and displaced persons in former Yugoslavia since the beginning of the conflict, as indicated, in part, by our publications devoted to this issue:

- Yugoslavia Torn Asunder: Lessons for Protecting Refugees from Civil War* (1992)
- Croatia's Crucible: Providing Asylum for Refugees from Bosnia and Hercegovina* (1992)
- "'Preventive Protection' and the Right to Seek Asylum: A Preliminary Look at Bosnia and Croatia," *International Journal of Refugee Law* (1992)
- "'Civilians, Humanitarian Assistance Still Held Hostage in Bosnia,'" *Refugee Reports* (1993)
- Voices from the Whirlwind: Bosnian Refugee Testimonies* (1993)
- Last Ditch Options on Bosnia* (1993)
- East of Bosnia: Refugees in Serbia and Montenegro* (1993)
- "No Escape: Minorities under Threat in Serb-Held Areas of Bosnia," *Refugee Reports* (1994)
- "War and Disaster in the Former Yugoslavia: The Limits of Humanitarian Action," *World Refugee Survey* (1994)
- "The Death March from Srebrenica," *Refugee Reports* (1995)

Today, my testimony will concentrate on suggesting ways in which the U.S. refugee program could be utilized more creatively and effectively in former Yugoslavia (1) to save lives in immediate danger, (2) to keep doors open for refugees seeking asylum in the region, and (3) to provide durable solutions for the victims of this conflict who may have no future in the region.

Although my testimony will focus mostly on refugee resettlement, I do not want to suggest resettlement as an exclusive remedy, or even as the primary or most effective solution on behalf of refugees. In principle, I agree with the UN High Commissioner for Refugees (UNHCR) that voluntary repatriation ought to be the optimum solution for refugees and that allowing refugees to remain close to home is preferable either to ease their integration into similar cultures or to make it easier for their eventual return. In the abstract, I can also agree with the proposition that it is preferable to provide safety and security to persons inside their country of origin so that they do not find it necessary to flee.

However, in former Yugoslavia as in so many other places around the world today, these principles are crashing headlong against other harsh realities. Repatriation is not so voluntary any more. Neighboring countries are closing their doors and denying even temporary asylum. And the victims who need to flee are being kept locked up inside their own countries in so-called "safe areas" or "safe haven zones." More often than not these have been among the least safe places on the planet. Although the least desirable solution in principle, in reality, resettlement outside the region seems to make the most sense for many of the victims in former Yugoslavia today.

Saving Lives in Immediate Danger: Missing Persons from Srebrenica

I don't want to talk about resettlement as an abstraction. I want to talk about known people in immediate danger of loss of life. I am thinking specifically of the men and boys of Srebrenica and Zepa.

In July, I sat in a makeshift camp at the crossing point just beyond the Bosnian Serb lines as the refugees streaming out of Srebrenica and Zepa first crossed into Bosnian government-held territory. I will never forget the encounters I had with the survivors who escaped (men) or were expelled (mostly women) from those "safe" hell holes. But the trauma of having endured months of sustained shelling, hunger, and fear paled next to the raw and horrible uncertainty they expressed to me at that moment, not knowing the fates of the loved ones left behind, not knowing if their

sons, husbands, fathers, and brothers were alive or being tortured in secret concentration camps.

First and foremost, today, I want to direct your attention toward trying to save any among these men who may still be alive. While there is strong evidence of at least one mass grave, we don't know how many people might have been killed and buried there. Other such graves may be located nearer to the UNPROFOR compound of Potocari, as suggested in the refugee testimonials I gathered during my visit. I hope these will be included in the record as an appendix to this testimony ("The Death March from Srebrenica," *Refugee Reports*, Special Issue, July 31, 1995).

We also don't know if there may be hidden detention/torture centers in Bosnian-Serb controlled territory of the kind that were discovered in 1992. So far, the International Committee of the Red Cross (ICRC) has been stymied in its efforts to discover who and how many men and boys might be in detention. According to its most recent report, the ICRC has only visited 164 detained men from Srebrenica and 44 men from Zepa. However, the ICRC has been given information about 3,000 men from Srebrenica whom witnesses identified as having been arrested by the Bosnian Serb Army. The ICRC is seeking information on an additional 5,000 men it estimates fled from Srebrenica, some of whom reached central Bosnia.

These figures should be looked upon as conservative. They don't include any of the men from Zepa. They are also considerably lower than the estimates provided by male survivors of the trek from a collapsing Srebrenica of the number who started on that "death march." Those numbers ranged from 7,000 to 17,000 and were consistent with estimates of the population used before the fall of the area by international organizations providing humanitarian assistance.

Whatever the numbers prove to be, we need to press hard for access to these victims of ethnic cleansing. This imperative is underscored by the promises we, the international community, made to them when we declared Srebrenica and Zepa safe areas.

President Clinton could take an important step toward

locating and saving any of the men and boys who were left in Bosnian Serb hands who might still be alive by declaring that the Bosnian Muslims of Zepa and Srebrenica, who were promised protection but not given it, are eligible to be admitted as refugees to the United States. He should publicly commit the U.S. government to locating the still missing men and boys of the safe areas to make the resettlement offer. And he should promise to provide them permanent protection and security and reunite them with their families.

To do so, he would need to issue a determination. This would say that special circumstances exist so that, for the purpose of admission under limits established by section 101(a)(42)(B) of the Immigration and Nationality Act, Bosnian Muslims detained by Bosnian Serb forces or forced out of "safe areas" are considered to be refugees of special humanitarian concern to the United States even though they are still within their country of nationality. At the present time, allowance to admit as refugees nationals or habitual residents of their own countries is extended only to Cubans, Vietnamese, and certain minority groups from the former Soviet Union.

Making such an offer may be the fastest and most direct way to rescue them. Using the mechanism of refugee resettlement to identify each missing person by name and to reunite separated families is also the surest way to mobilize the U.S. government's bureaucracy to take an active role in intervening to save these lives.

President Clinton should immediately request an additional 5,000 places in the FY 96 refugee admissions request to be earmarked specifically for these men and their families. Then Clinton should send in the diplomats to rescue any of the prisoners they can get out. If the Red Cross and the UNHCR can be enlisted, so much the better.

Since consultations just took place recently, setting the FY 96 request at 90,000, the President would need to hold an emergency consultation with Congress, as provided for in the Refugee Act of 1980, and request the additional numbers that are needed, bringing the

worldwide refugee admissions total to 95,000. This would underscore the seriousness of his commitment to saving these men and boys and reuniting them with their families.

Is there any chance that such an offer would actually save these men? Two years ago, when the Bosnian Serbs were last convinced to release masses of captured detainees, they did so on condition that the detainees leave Bosnia. Several countries, including the United States, shocked at the condition of the emaciated and brutalized Muslim detainees, agreed to resettle them. We felt compromised and dirtied to be made complicit with an act of ethnic cleansing. But it was preferable to leaving the detainees where they were, which would have meant complicity with murder.

Why, some still might ask, should Americans put our efforts into resettling this group when so many other problems relating to Bosnia loom so large? It is certainly not a solution to the Bosnia question. It is not even a solution for all other Bosnians who would like to leave. But it does identify a particular group in great danger for whom we bear a special responsibility and for whom we are actually in a position to offer a lifeline.

Over the years, the United States has expressed special concern for a number of groups: the victims of Pol Pot's Cambodia, Cuban dissidents, Vietnamese boat people, Soviet Jews, and other lesser known groups. Sometimes refugee resettlement reflected a collective sense of guilt for failed policies that left our friends unprotected. Providing refuge to the defeated didn't right a wrong or alter political or military outcomes. But it did save lives. It did restore hope. And in doing so, let's not scoff at this: it also assuaged our guilt somewhat.

Why, some might ask, should we feel guilty? We are not, after all, the butchers who raped, murdered, and burned in the villages of Bosnia. True. But we are citizens of the superpower that drafted and promoted the Security Council resolution promising safety to these people. And we are the citizens of the government that watched passively as the noose was slowly tightened around their necks.

Others might question whether our compassion extends to the Serbian victims of ethnic cleansing in the Krajina. Certainly, they, too, are victims of forced homelessness and deserving of assistance and protection. But in two respects in the scale of suffering we see in former Yugoslavia, their plight could be looked at as less severe. First, the Serbian refugees have a place to go where they are welcome and may find relative safety from war and persecution--Serbia. On the other hand, The displaced Muslims I interviewed in Tuzla were not feeling safe in that so-called safe area, having just barely survived the privations of other safe areas. In fact, they were not safe. Shortly after I left the "safe" Tuzla airfield where thousands of refugees were living in tents, it came under Serb shelling. Many were actually being sent to public accommodations in locations close to the front. They had lost all confidence in international assurances for their "safety" within all of Bosnia.

The second element that distinguishes the Serbian refugees who fled the Krajina and the Bosnian Muslim refugees from Srebrenica and Zepa is that the Serbs overwhelmingly fled with their families intact; their men were traveling with their wives and daughters and would be there to start life anew. For these Muslim refugees, however, mostly women, children, and the elderly, their fathers, husbands, and sons were missing. Their fear and anxiety were overpowering, and their capacity to start life anew in Bosnia is severely crippled if their men will not be part of their future.

Not all of the Zepa and Srebrenica detainees and their families will want to leave Bosnia. Therefore, we should also support UNHCR's and the Bosnian authorities' efforts to provide those who want to remain with the most secure accommodations possible given the circumstances in Bosnia.

We should also urge other governments, particularly those that voted for the Security Council's safe areas resolutions, to resettle Zepa and Srebrenica survivors as well. In fact, many of the survivors may well prefer resettlement in European countries where they might feel closer to home, have closer cultural ties, and be able to reunite with separated family members.

Since the survivors of Zepa and Srebrenica are technically "internally displaced persons," not refugees, and because UNHCR is

committed to assisting them within Bosnia, the U.N. refugee agency cannot be expected to participate in their resettlement to the United States and other countries. However, this should not impede or deter the United States from acting bilaterally, which it has done in the past in declaring other groups that did not fall within UNHCR's mandate to be of special humanitarian concern to our country.

We should be under no illusions that following this suggestion in any way addresses the greater Bosnian tragedy or makes Bosnia any safer for millions of others. But at least it fulfills, albeit belatedly, the commitment we made to this group of people to protect them. Let's take that as a starting place and move on from there.

Historical Background: The Bureaucracy Encounters Genocide and Looks the Other Way

Until very recently, the State Department has seemed decidedly unreceptive to resettlement as a means of providing protection to Bosnian refugees. Some of this has been explained as not wanting to contribute to ethnic cleansing. I think it also reflects the State Department's lack of commitment to using refugee resettlement as a serious tool for refugee protection. Since refugee resettlement began out of Bosnia three years ago, the State Department has taken a slow and bureaucratic approach toward the problem. Let me recap a bit of the history.

UNHCR's first appeal for refugee resettlement offers for Bosnian detainees and their families went out in September 1992 after the horrors of the detention camps were revealed. The only ticket out of the camps was an offer for third country resettlement. The United States waited another month even to make an offer: 1,000 places (300 detainees; 700 family members), and by the end of 1992 still had not resettled a single person from this group. In March 1993, responding to public pressure, the State Department announced that it would increase the offer to 3,000 places (although by the time of the announcement it had only resettled 136 persons). At that time, the United States expanded the categories of eligibility beyond detainees and their families to include (1) "vulnerable cases," including victims of torture and women victims of violence,

referred by UNHCR as being in need of resettlement, and (2) Bosnian Muslim relatives of U.S. citizens, lawful permanent residents, refugees and asylees, and parents and siblings of U.S. citizen children who have been displaced as a result of the conflict in Bosnia.

Thereafter, the problem was in large part due to the bottleneck that was created by requiring vulnerable cases first be referred by UNHCR. Resettlement, both as a matter of UNHCR doctrine and practice, was a low priority. UNHCR officers in Zagreb at that time told me that they had not requested the United States to offer 2,000 more resettlement places and that they had no intention of referring more cases to the United States. UNHCR's 1993 *Assessment of Global Resettlement Needs for Refugees* did not list a single Bosnian in its total of 72,020 resettlement places needed for the year.

At that time (1993), both the State Department and UNHCR were saying that there was a lack of eligible refugees interested in resettling to the United States. However, I conducted interviews with Bosnian refugees in Croatia at that time who clearly had been victims of torture, were in precarious asylum in Croatia, and who expressed to me their interest in coming to the United States, yet who were not being referred to the State Department by UNHCR. The International Rescue Committee (IRC), which operated the Refugee Resettlement Office (RRO) in Croatia, and was charged with preparing cases for interviews and placements, complained that of 100 cases (representing about 300 people) that it screened and presented to UNHCR as "vulnerable" cases, UNHCR had referred none to the embassy for resettlement processing (see *Refugee Reports*, Vol. XIV, No. 5, May 31, 1993). By the end of FY 1993, a sum total of only 1,887 Bosnian refugees had been admitted to the United States.

Despite its failure to meet even the modest 3,000 ceiling in FY 93, the State Department set the FY 94 ceiling for Bosnian admissions at 10,000 places. But the problems with UNHCR persisted. In its 1994 *Assessment of Resettlement Needs*, incredibly, UNHCR again asked not for a single resettlement place for Bosnians, as it reduced the worldwide total from 72,020 to 58,860. The text of that year's report essentially had this message from UNHCR to governments: thanks for your resettlement offers on behalf of Bosnians; we would rather use them

elsewhere (see page 24 of that report, paragraphs 80-83).

Then, setting what must be a world's record for holding one's head in the sand, UNHCR's 1995 *Assessment of Resettlement Needs* again, for the third year in a row, failed to request a single resettlement slot for Bosnians, as it cut the worldwide number of requests down to 31,900--a 45 percent decrease from the previous year's request and a 56 percent decrease from the 1993 request. Bear in mind that this occurred at a time that UNHCR was saying the worldwide total of refugees had reached 23 million and that the total of refugees and displaced (including "war affected") within former Yugoslavia itself had reached 3.9 million.

The text of the *Assessment* explained UNHCR's failure to identify a single Bosnian in need of resettlement by saying that the numbers would be "difficult to predict," and because some 20,000 places out of 50,000 pledged by third countries in earlier years (most of which were for so-called "temporary protection," not resettlement) still remained unfilled.

A UNHCR source told me, "We have been reluctant politically to put in numbers for Bosnians for fear of creating a self-fulfilling prophecy. We don't want to create a situation that would make it so people would not be able to return home."

UNHCR's *Assessment*, together with the State Department's requirement for UNHCR referrals for vulnerable cases, resulted in a clogged pipeline. In FY 94, despite obvious needs for Bosnian resettlement, the United States resettled only 7,197 Bosnians, a shortfall of nearly 3,000 from the announced ceiling. UNHCR's *Assessment* was also used by restrictionist members of Congress as a rationale to introduce legislation calling for significant reductions and an annual cap on the number of refugees to be resettled in the United States.

The State Department appeared to be heading for a similar shortfall this year (also with a 10,000 ceiling). However, there has been a noticeable improvement in processing in the past several months with both UNHCR and the State Department acting more quickly and responsively. The change of heart occurred with two months to go before

the end of the fiscal year. Ten months into the fiscal year, the number of Bosnian refugees admitted to the United States stood at 6,748, well short of the 10,000 ceiling. To meet its promise to reach this year's ceiling, the State Department will have to resettle 3,252 Bosnian refugees in the last two months of the year, which it seems committed to doing.

This increase is a direct response to a recent UNHCR request of the United States to provide additional resettlement numbers, indicating that UNHCR itself has come to the realization that resettlement now must be considered an important element of its plans to provide protection and durable solutions for Bosnian refugees. UNHCR has recently announced a secondment of NGO staff to its operation in former Yugoslavia to enhance its resettlement efforts. We applaud this demonstration of commitment on the part of UNHCR.

Credit for the turnaround in late FY 95 must also go to the State Department and its RRO partners, the International Rescue Committee (IRC), the International Catholic Migration Commission (ICMC), and the International Organization for Migration (IOM) in Belgrade, who handle the family unity cases. Much of the reason for the success in meeting this year's ceiling comes as a result of the increased number of U.S.-based families sending affidavits of relationship (AORs) on behalf of their Bosnian Muslim relatives in Croatia and Serbia.

Family cases do not need to be referred by UNHCR. Currently, about three quarters of the cases are based on family connections to the United States, which means they are prepared by the RRO without the involvement of UNHCR. The other quarter are the UNHCR-referred vulnerable cases.

For FY 96, the State Department now says it will admit up to 15,000 Bosnian refugees. Interestingly, however, in raising the number of Bosnian resettlement places from 10,000 to 15,000, the Clinton Administration did not ask for an additional 5,000 refugee numbers in the worldwide request it made recently in consultations with Congress. Despite the increase for Bosnians, the worldwide number decreased by 18 percent from the previous year. The request for only 90,000 admissions places was anticipated by the Administration's budget request earlier in

the year. However, that request had been made based on an assumption of 10,000 Bosnian admissions. In effect, the Administration will take 5,000 refugee admissions slots away from other groups (most likely minorities from the former Soviet Union) even though at the time it submitted its budget it had anticipated resettlement needs for those groups. It would have made more sense for the Administration to have told Congress that an unanticipated need arose for Bosnians and that additional numbers would be needed, rather than take admissions numbers away from other groups.

Because of the way the budget/consultations process just occurred in the FY 96 refugee admissions request, I want to make clear in this testimony that when we recommend adding another 5,000 admission slots for survivors and detainees from Srebrenica and Zepa that we are calling for additional numbers, not simply taking numbers away from other groups. Our recommendation would result in a Bosnian ceiling of 20,000 and a worldwide ceiling of 95,000.

Keeping Doors Open for Persons Seeking Asylum

Although the right to seek in other countries asylum from persecution is enshrined in the Universal Declaration of Human Rights, this has become one of the more universally tarnished rights in the 1990s. Xenophobia, only recently on the rise in the United States, has been a significant part of the European political landscape throughout the period of the conflict in former Yugoslavia. Notwithstanding the merits of having Bosnians stay in Bosnia, the simple fact is that they were not welcome outside Bosnia. It therefore became necessary to devise either the notion of "temporary protection," because offers of permanent resettlement or asylum were not forthcoming from other European countries, or the idea of "safe havens" where Bosnians would supposedly be protected within their own country.

Make no mistake about it. The reason Bosnians have not fled in larger numbers is because they have been prevented from doing so. Hundreds of thousands have been trapped in enclaves surrounded by hostile forces, including Sarajevo, and the Croatian and Bosnian governments have worked together to prevent would-be refugees from leaving Bosnia and entering Croatia. Most European/North American countries now impose visa requirements on persons from Bosnia, creating additional obstacles to seeking asylum. Among those requiring visas for Bosnians are:

Albania

Austria (for Bosnians who stayed longer than
two weeks in a transit country)

Canada

Czech Republic (imposed July 1993)

Finland (imposed July 1992)

France (since August 1992, Bosnians
arriving at border without a visa
can be admitted upon presentation
of a letter of sponsorship)

Germany

Greece

Hungary (Bosnian refugees who hold
foreigners passports issued by
Serbia or Croatia are required to
have visas for third countries before
being allowed to transit Hungary)

Ireland (imposed November 1992)

Liechtenstein (imposed December 1992)

Luxembourg

Netherlands

Poland

Portugal (except for holders of passports
issued by the former Socialist Federal
Republic of Yugoslavia)

Switzerland (imposed December 1992)

Sweden (imposed July 1993)

United Kingdom (imposed November 1992)

United States

Visa requirements have made it nearly impossible for Bosnian asylum seekers to get a foothold in any country where their claims to refugee status could be heard. For example, the United Kingdom requires visitors to obtain visas in their home country, but the U.K. does not have a consulate in Bosnia, nor are there any direct flights from Bosnia to the U.K. If a Bosnian went to a third country and applied for a visa to enter the U.K., that person would be precluded from being considered for asylum in the U.K. because asylum applications are accepted only for persons who do not stop in a third country.

An effort in November and December 1992 in London at a meeting of Immigration Ministers of the European Community to set a formal burden sharing agreement for Bosnian resettlement ended in failure. Thereafter, offers were made, piecemeal, by European states to UNHCR to provide "temporary protection" to a relatively few narrowly defined cases. These offers--which in many cases remained unfilled--had the effect of relieving the pressure on European states to offer meaningful asylum.

This is the genesis of the safe haven concept. However genuine the

motivation to promote the welfare and safety of the Bosnians designated as "safe" might have been, there was also an undeniable ulterior motive of providing a rationale for denying them refuge outside Bosnia.

In December 1992, faced with the failure of the EC Immigration Ministers conference, and seeing avenues of escape for Bosnians blocked, the International Committee for the Red Cross issued an unusual and dramatic statement calling for the creation of safe haven zones in Bosnia. It said:

As no third country seems to be ready, even on a provisional basis, to grant asylum to one hundred thousand Bosnian refugees, an original concept must be devised to create protected zones.

The ICRC endorsed the safe haven concept, not because it thought that this was the preferred way to protect would-be refugees, but rather as a last resort to save them because of the denial of asylum by outside countries.

I won't dwell on the failure of the safe areas in Bosnia. But I would urge you to read the appended special issue of *Refugee Reports*, "The Death March from Srebrenica," where the refugee testimonials I gathered in Bosnia say more than I could ever convey in my own words about this sordid betrayal.

I do want to make the point, however, that after Srebrenica and Zepa we should be committed now more than ever to the proposition enshrined in Article 14 of the Universal Declaration of Human Rights that "everyone has the right to seek and enjoy *in other countries* asylum from persecution." (Emphasis added.)

In the most practical terms, this means making it possible for Bosnian refugees to escape to Croatia as the country of "first asylum." Croatia has been operating on a quid pro quo for quite some time now, whereby it will not allow Bosnians to enter unless they are guaranteed third country resettlement.

Recent events suggest that Croatia is fast rejecting even the minimal expectations for a country of first asylum: to provide at least temporary asylum for refugees fleeing Bosnia. This has been made clear most recently as the newest wave of Bosnian refugees has been displaced from the Banja Luka area, being forced out by the influx of Serbian refugees to that area from the Krajina and western Bosnia-Herzegovina. This month, more than 2,000 Bosnian Croat and Muslim refugees expelled to Croatia from the Banja Luka region were forcibly returned by the Croatian authorities to Bosnian-government or Bosnian Croat-held territories in western and northwestern Bosnia-Herzegovina. They were forcibly returned despite UNHCR's finding that it was not safe for them to return.

On September 22, Croatia announced that it was revoking the refugee status of Bosnian refugees from about 20 towns recently retaken by Bosnian government and Bosnian Croat forces. The directive from Croatia's Office for Displaced Persons and Refugees said that about 100,000 refugees could return home immediately.

The conduct of Bosnian Croat forces in the newly captured territories utterly contradicts the Croatian government contention that these refugees can and should return. In fact, Croatian forces in western Bosnia-Herzegovina are refusing to allow displaced Muslims now in central Bosnian from returning to their homes in the areas Croatian forces have retaken from the Serbs.

UNHCR issued a statement on September 25 saying, "Any forced return of refugees to these areas from Croatia would be a violation of the fundamental principle of *non-refoulement* contained in the 1951 Geneva Convention, to which Croatia is a signatory." UNHCR points out that many of the 20 towns listed as safe are, in fact, close to the front lines where fighting is still active and that some of these areas are believed to be heavily mined.

The United States should use refugee resettlement, in combination with financial assistance and diplomatic pressure linking adherence to internationally accepted principles of refugee protection with diplomatic support in the peace process, in order to convince Croatia to keep its

doors open to Bosnian refugees. Success in doing so also hinges on other countries--particularly in Europe--coming forward with refugee resettlement offers. By demonstrating its willingness to resettle significant numbers of Bosnian refugees, the United States will be better positioned to call upon other countries to do the same.

Croatia's stance has precedents and parallels among other "first asylum" states, such as Thailand and Saudi Arabia. Such first asylum countries have agreed, often reluctantly, only to provide temporary asylum and transit facilities, in return for which the international community, led by the United States, has pledged to provide assistance and permanent protection. Although we might hope for better from first asylum states, the bitter reality is that we are motivated by the fear that if we do not help, they will do worse. Our fear is that they will forcibly return refugees or push them back at the border. This effort to prevent *refoulement*--the forced return of refugees to persecution--underlies the principle of international burden sharing. That principle holds that no one country should be saddled alone with the responsibility of caring for refugees simply through an accident of geography that puts refugees on its doorstep.

As we have done with other countries, such as Thailand and Saudi Arabia, we need to assure Croatia that it can keep its borders open without the worry that it will have to cope alone with the refugee influx. This can be achieved through a package of incentives, including financial assistance to care for refugees in Croatia and resettlement to help move them out. This is no different than the policy we have pursued in places such as Thailand and Saudi Arabia. It fulfills a humanitarian objective as well as a foreign policy one. By doing so, we promote regional stability and also set the example for other governments to follow in anteing up their contributions--human and financial--to share the burden.

Durable Solutions: Looking Ahead at the Role of Refugee Resettlement in the Region

Events have moved quickly since my site visit to Bosnia in July at the time of the fall of Srebrenica and Zepa: the Croatian offensive in the Krajina and the displacement of 150,000 Serbs from that area; the shelling and bombing in and around Sarajevo; and the new, most recent displacements in the last week in western Bosnia and Hercegovina causing additional tens of thousands of Bosnian Serbs to flee their homes. Many of them are streaming into the Banja Luka area where their arrival is exerting pressure on the remaining Muslims and Croats there to leave.

Although the war has heated up since July and has created huge new refugee flows, I am at this moment, ironically, the most optimistic I've been about the possibility for a resolution to the conflict. The fecklessness of international diplomacy up until now--empty rhetoric, bluff and bluster, and substituting feeble attempts at delivering humanitarian assistance in place of forceful intervention to prevent genocide--led to the disaster in July when the UN-declared "safe areas" of Srebrenica and Zepa fell to Bosnian Serb attack. Contempt by all parties to the conflict about the role of the international community at that point was at an all-time high.

Spurred by the Croatian army's success against Serb forces in the Krajina, the United States and key European allies, at long last, have begun to show some backbone. The stranglehold on Sarajevo is finally easing, and the retreat of Bosnian Serb forces from the west and northwest of Bosnia and Hercegovina demonstrate the sad truth that force is the only factor that is truly respected by the aggressors and that can be counted on to determine where and when the aggression will stop.

A note of caution is always called for in Bosnia, however. I remember a UN official who spent 18 months there saying to me that the events as they unfolded consistently turned out to be worse than the worst case scenarios that his contingency planning teams sketched out. There are still any number of worst cases that could occur, the most likely of which would be an emboldened Croatia deciding to carve out a hunk of Bosnia and Hercegovina for itself, resulting in a final squeezing of the Muslims between Serb and Croat forces. A variation on this scenario would include the direct and open intervention of the Federal Republic of Yugoslavia (Serbia/Montenegro) on behalf of the Bosnian Serbs, possibly in

response to any future offensive against Banja Luka by Bosnians government and/or Croatian forces. Needless to say, this would create massive and unprecedented refugee flows of the Bosnian Muslim population.

However, trying to look now at the better case scenarios, there are heightened prospects for peace, although most likely at the expense of a Bosnia divided into separate ethnic/religious blocs. This, too, would likely result in massive population displacements. Once people are able to leave places like Sarajevo, where they have been trapped for years, we are likely to see considerable movement. At that point, those members of ethnic minorities who have thus far remained steadfast in their commitment to the survival of a pluralistic society will likely come to the conclusion that they are the final losers and may well find it intolerable to remain in the region.

There are three groups of ethnic Serbs who might not be welcome anywhere in the region who I think will likely need resettlement as a durable solution if such an ethnic division comes to pass:

- First are the Serbs who have rejected the hypernationalism that has infected the region and who have stayed in Sarajevo, Tuzla, and other parts of government-controlled Bosnia. They are considered to be disloyal by the Bosnian Serbs, but may nevertheless be rejected by a new Bosnian government identified by its Muslim affiliation. This population, more than 50,000 believed to be remaining in Sarajevo alone, may have nowhere to go after a peace settlement among the warring parties is reached.

- Second are ethnically mixed Serb-Croat families. The U.S. refugee resettlement guidelines on family unity cases include only Bosnian Muslims. This provides protection in Muslim-Serb and Muslim-Croat marriages, but leaves a gap in an equally, perhaps even more, vulnerable group: Serb-Croat marriages. Under current processing procedures, U.S. relatives of mixed Croat-Serb families are not able to file Affidavits of Relationship (AORs) on their behalf, which initiates family-based refugee processing. Croat-Serb families are eligible to be referred by UNHCR as vulnerable cases, but U.S. relatives have much greater difficulty in bringing them to the attention of the appropriate UNHCR officials in

former Yugoslavia. The criteria for family unity cases ought to be amended to enable the reunification of ethnically mixed Croat-Serb families. The hatred between Serbs and Croats is intense now and is likely to be exacerbated when the war over Eastern Slavonia/Vukovar is renewed, which I see as inevitable. No Serb-Croat mixed family has a future anywhere in the region that I can see.

- Third are Bosnian Serb men who have been conscientious objectors (COs). They may not know the phrase, they may not have articulated the objection well, but they have fled Bosnia into Serbia because they did not want to take part in this genocidal war.

Although COs are not generally regarded as refugees, the UNHCR *Handbook on Procedures and Criteria for Determining Refugee Status* makes a key exception "where the type of military action, with which an individual does not want to be associated, is condemned by the international community as contrary to basic rules of human conduct." The conduct of the Bosnian Serb Army unquestionably meets this criteria. The UN General Assembly, the UN Commission on Human Rights, the World Conference on Human Rights, and the International Criminal Tribunal for the Former Yugoslavia have all characterized its conduct as genocide. Enormous pressure has been exerted on Bosnian Serb refugees in Serbia to return to Bosnia to take part in the fighting. Those who have refused should be supported and protected by the international community.

There are several other groups for whom resettlement may represent the best durable solution.

- First, there is the somewhat odd group of about 25,000 people surrounding Fikret Abdic, the renegade Muslims in Bihac who supported the Serbs. Abdic and his supporters are despised by both the Bosnian government and Croat forces, and, as Muslims, would likely not be able to find a tolerable future in majority-Serb areas.

- A second group that hopefully will not have a need for resettlement would be ethnic Albanians. This would only occur if Serbia begins a more concerted campaign of ethnic cleansing in Kosova. Fears were raised that just such a prospect could occur when shortly after the

Krajina fell, the Serbian authorities announced that these Croatian Serb refugees would be resettled in Kosova. It does not appear that more than several thousand were, in fact, resettled there. But it is a tinderbox that has the potential of exploding at any point.

- At some point in the peace process it is likely that Bosnian Muslims who have been trapped in Bosnian "safe havens"--including Sarajevo--may have the opportunity to get out. When this happens, it is likely that many with U.S. relatives will seek to join them, and AORs filed by their relatives in the United States will be activated.

- Finally, there may be continuing needs for severely traumatized persons for whom local facilities will likely not have the capacity to serve. This includes widows, torture victims, amputees, and others who may need specialized medical and psychological care.

Assistance to Recent Serbian Refugees

Although the focus of my remarks is on resettlement, I did want to make particular mention of a group for whom resettlement is not the option of choice, but who nevertheless would be deserving and benefit from our overseas refugee assistance program. I am talking about the Serbian refugees who have recently fled into Serbia from the Krajina region of Croatia and western and northwestern Bosnia and Hercegovina. They are also victims of ethnic cleansing who have been denied the right to remain in their homes. We should be equally responsive to their needs.

However, the State Department's prohibition on the Bureau for Refugees, Population, and Migration (PRM) funding humanitarian assistance programs in the so-called Federal Republic of Yugoslavia (Serbia and Montenegro) has not put all victims on an equal footing. Instead, apparently in order to coerce the political leadership in Serbia and Montenegro into acceptable behavior (or to punish them for their failure to abide by internationally recognized norms), we have refused to provide humanitarian assistance to refugees who have sought asylum in those two republics. There, apparently, is greater flexibility in this regard for the Office of Foreign Disaster Assistance (OFDA) in the Agency for International Development (AID), which is able to provide assistance on the basis of need without regard to ethnicity.

However, PRM's prohibition on humanitarian assistance to refugees in Serbia and Montenegro has, in effect, created a double victimization for refugees who have fled to Serbia and Montenegro. First, they have been forced from their homes; then, they have been prevented from receiving humanitarian assistance funded by PRM's overseas refugee assistance account.

As we pointed out in our 1993 publication, *East of Bosnia: Refugees in Serbia and Montenegro*, the U.S. Committee for Refugees believes that providing assistance to one group of victims but not to those on "the other side" can have the effect of subverting humanitarian assistance, turning food and medicine into political weapons. This, ultimately, could

contribute to continued strife driven by group identification.

As USCR did two years ago, we still strongly urge the Bureau of Population, Refugees, and Migration to remove its prohibition on providing funds for humanitarian assistance projects that benefit refugees in Serbia and Montenegro. By maintaining such a prohibition, the United States itself could appear to be practicing the type of ethnic bias that it so loudly deplores in other settings.

Additionally, in our view, the continuation of such a prohibition contributes to an environment in which the Yugoslav government is more likely to follow policies such as forcibly conscripting Serb refugees for duty in Bosnia and Croatia and resettling Serb refugees in Kosova. Clearly, such policies are not in the best interests of these refugees, nor are they, I would imagine, considered helpful by the U.S. government.

Providing assistance to refugees in Serbia and Montenegro in no way implies support for the governments of those republics. Assisting refugees—wherever they are—is simply the right thing to do.

Again, I want to thank you for the opportunity to discuss these issues. We greatly appreciate your interest.

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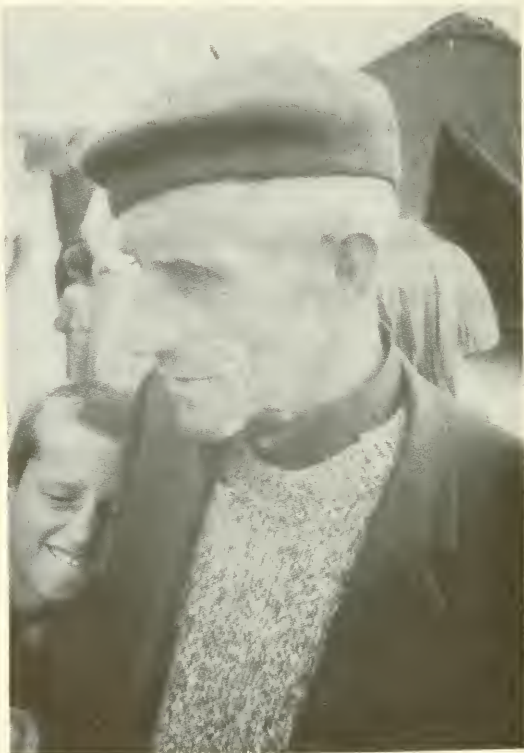
July 31, 1995

SPECIAL ISSUE: THE DEATH MARCH FROM SREBRENICA

[This issue of *Refugee Reports* is based on refugee testimonials gathered by *Refugee Reports* co-editor Bill Frellick in the last week of July 1995. Frellick traveled to Zenica, Tuzla, and Kladanj in Bosnia and Hercegovina to interview displaced persons from Srebrenica and Zepa. Interviews were conducted at the airport camp, collective centers in the region, and at the transit camp at the crossing point into Bosnian government-held territory. Most of the interviews were conducted anonymously, as the recent arrivals were still frightened and traumatized by their journey.]

The refugees from Zepa and Srebrenica were not only exhausted and traumatized from the ordeals of shelling, escape, and, most especially, not knowing the fates of loved ones from whom they were separated, but also by a feeling of betrayal. They felt betrayed by the United Nations, known to them as "UNPROFOR" [the UN Protection Force], the blue-helmeted soldiers here, who had surrendered without a fight. All they had done was to disarm the Muslims two years before, putting them in a defenseless position vis-a-vis the heavily armed Serbs.

A married man with three children said, "I thought



New arrivals from the last bus out of Zepa.

(See page 4)

Photo: USCR/B. Frellick

we were safe with UNPROFOR. I thought when I gave them my gun, I would never need it again. We were betrayed. In the last ten days, the Chetniks [a derogatory term for the more extreme Serb fighters] were burning our villages, and UNPROFOR did nothing. Even they were frightened."

The attack on Srebrenica had begun about 10 days earlier with heavy shelling and foot soldiers breaking into the small villages (also within the "safe area") surrounding the town of Srebrenica. Ironically, one of those villages, known as the "Swedish village," had been built by UNPROFOR to relieve the most overcrowded houses that were holding people who had earlier been displaced from other parts of eastern Bosnia. People living in the Swedish village said that they had felt safe, even though they knew they were quite close to the Serb lines. That changed when the recent heavy shelling began. Refugees [technically, "internally displaced persons"] remembered neighbors who were killed in the shelling. These were among the first of the new wave of displaced persons to flee to Potocari, just north of Srebrenica town where UNPROFOR had its compound.

As other of the small villages in the safe area came under attack, civilians either crowded into Srebrenica town or fled directly to Potocari. Some of the men, who had kept hunting rifles and other light arms, tried to resist the Serb advance. When the situation became hopeless, however, only two options were available: either go to Potocari in the hope that UNPROFOR would provide protection and a safe and orderly evacuation, or head into the woods and try to run into Bosnian government territory through the Bosnian Serb-controlled areas. In general, women, children, and some elderly men chose Potocari; men and teenage boys headed for the woods.

Seeking Safety in the UN Compound Heavy shelling of Srebrenica town continued for about five days. Finally, all the women and children, and some of the men, went to the UNPROFOR compound at Potocari, where they stayed for three days and two nights. During the first day and night in Potocari, the Bosnian Serbs had not yet reached the compound. As the civilians looked out from the compound that first day, they could see nearby villages and fields burning, and hear shooting and shelling.

The UNPROFOR compound is built around a factory where car batteries were once made. That night, some slept inside the factory in large warehouse-like rooms; others slept on the grounds outside. The next morning, arriving from the direction of Bratunac (north of Potocari),

a large number of Serb soldiers appeared.

UNPROFOR put up no resistance, according to the refugees. UNPROFOR told the people to cooperate with the Serbs. One elderly woman said, "When I saw the Chetniks take UNPROFOR's weapons, I got very scared." She said that the Serbs put on UNPROFOR uniforms and drove around in UNPROFOR APCs (armored personnel carriers). The refugees said that the disarmed UNPROFOR soldiers were kept in a separate area from the civilians. One woman said, "UNPROFOR was as naked as we were." Although no one who was interviewed was an eyewitness to it, several people said that Serbs driving an UNPROFOR APC ran over some Muslim women, killing them.

With the Serbs in complete control, the Muslim civilians were terrified. The grounds were muddy; one elderly woman described the compound as "a hole." It was overcrowded and unclean. "We looked like cattle," said another woman. "We were hungry, tired, scared. We went wherever we were told. They took whoever they wanted." Bread was thrown to them, and they were given water. The Serb commander, General Ratko Mladic, told them to remain calm and that they would be safe. He said this was the regular army under his command.

Throughout that day, Serb soldiers circulated among the civilians, looking in particular for the men among them to take away "for questioning." This was done calmly, without threats. In the area where one woman was sitting, she remembered the Serbs asking people to identify men from the villages of Glogova and Kamenica. At this time, they did not remove all the men, just those they were identifying from particular places, although some people said that some men were also taken at random. No one could say for sure if any of the men who were taken for questioning were ever brought back. One woman said that her brother-in-law was taken at that time. He was 33 years old, there with his wife and three children. "He didn't resist. He was sitting as we are now," she said. "They pointed to him and took him out." She was too fearful to give his name, thinking that if his name were published in the West, and he was not already dead, that he would be killed.

As night fell, the refugees reported, some of the Serbs got drunk, and were laughing and talking loudly. They were having a party in a house within the UNPROFOR compound. Some people said they could smell roasting meat, and heard the men firing gun shots. At night they came among the civilians again and began dragging men out with far less of a pretense that this was for questioning. The men now were taken in a different direction than those who had been

(Continued on page 5)

BOSNIA AND HERZEGOVINA FRONTLINES



11 July 1995

This map is not to be taken as necessarily representing the views of the UN on boundaries or political status



THE LAST BUS OUT OF ZEPA

A couple days after interviewing the Zenica-bound refugees from Zepa at the Kladanj transit camp, I was standing in the refugee camp at the UN airbase in Tuzla when a bus of refugees arrived. This was long after Srebrenica had fallen, and given that the people on the bus were comprised entirely of women, children, and old men, it was clear that they were not part of the group of men and boys still emerging from the death march through the woods.

It turned out that they were on the last bus of the last convoy out of Zepa, apparently separated because they had asked to be taken to Tuzla rather than Zenica in order to be reunited with family members there. What they hadn't anticipated was that they would be held for last-minute negotiations between the Bosnian Serb army and the armed Muslim men who had negotiated safe passage for the women and children. Apparently, the Serbs demanded that the Muslim men surrender their weapons in exchange for letting the last civilians out. An old man said, "We were held as hostages. They wanted our army to turn in their weapons. We were very frightened. They told us to stay on the bus until they finished their negotiations."

The negotiations apparently resulted in an agreement for the bus also to take out nineteen Muslim men who had been wounded in the fighting, as well as some other men from Zepa who said that they were civilians. A

French UNPROFOR soldier accompanied them on the bus.

Before arriving at Kladanj, however, the refugees said that Serbs stopped the bus, and pulled off all the men of military age, including the wounded. According to the refugees, the UNPROFOR soldier did not intervene. The refugees could remember the following names of civilian men from Zepa, some of whom were their sons and fathers, who were taken off the bus:

Lilic Halil, age 18
 Brdanin Bego, age 52
 Camil ?, in his 30s
 Hasan Dzebo, in his 30s
 Edhem Brguya, age 58
 Salih Cavcic, in his 50s

They also knew some of the 19 wounded soldiers who were taken, including:

Camil Mesanovic
 Mirsad Modzic
 Dzemo Cardokovic
 Meho Dzebo
 Hamdija Muratovic

After registering at the airbase camp in Tuzla, the last refugees from Zepa are loaded into a truck to take them to their tents. Photo: USCR/Bill Frelick

taken for questioning during the day. At one point in the middle of that night, one woman recalled a man calling for help, calling for his son, Habib. Women started screaming, saying, "They're going to kill us all." She said that the man calling for his son went crazy, that he started hitting himself in the head with a rock until some of the other Muslim civilians tied him down and UNPROFOR soldiers came and gave him a shot to sedate him. People said that the man's only son had been taken away.

Accounts differ over whether any women or girls were taken out by the Serbs that night. Some of the women refugees said that they did not see any women or girls taken away, and that women were not insulted or mistreated in any way. Also, there were still Muslim men among the women during the night, and UNPROFOR apparently could see what was going on, at least where most of the civilians were being held. However, most of the women interviewed said that the Serbs were verbally abusive, and some women also testified that they did take out some girls. Several said that a 14-year-old girl had been taken out, and that later she was brought back and told her mother that she was raped. Others told of atrocities they had heard about, but had not seen themselves; whether true or not, the circulation of these stories added greatly to the fear and anxiety among the people at Potocari.

Most of the refugees could say very little about what they saw and heard. They tied scarves around their heads, huddled together, and kept their eyes down to the ground. The compound was very large, and, in the dark, most people were only aware of what was happening in their immediate area. Fear, however, gripped all. One woman said, "It was night and no one knew who were Chetniks and who were other soldiers. We did not think we would survive the night."

For the few who ventured to move out, a harrowing sight awaited them. One woman took her child to the field next to the factory so the child could urinate. She said that she saw hundreds of bodies in the field, and ran back. Another woman said that she went out early the second morning to fetch water from a pipe. There was a house by the factory. As she walked by, she saw great puddles of blood inside and next to the house. She walked to the far side of the house and saw bodies of men lined up in a row under a walnut tree. She estimated that ten to twenty bodies were lined up there. "I didn't count. I was very scared, and left immediately."

The next morning at about 10 or 11 o'clock, the Serbs began loading the women and children of Potocari on trucks and buses. Mladic again came around telling them to remain calm, saying that they would be safe, but that the men

would have to be brought later. The remaining men were separated from the women at the gate leading out of the UNPROFOR compound. One woman, breastfeeding a baby as she spoke, asked that we publish the name of her husband and father who were taken away at that time. Her father is Hamed Tahic, born 1947. Her husband is Muaz Osmanovic, born 1966. She said her husband had never been in the army or with the police. "My husband only wanted to be with our child," she said.

Once the women and children were on the buses and trucks, Serbs started pelting them with stones and yelling insults. The convoy stopped frequently, but at other times went so quickly that people got sick. One bus crashed, injuring some passengers. At some points when the convoys stopped, Serbs--described as "Chetniks"--entered the buses, threatening people and demanding money and gold.

Most of the refugees were loaded on covered military trucks, could not see out, and dared not make the effort to try to see outside. But those aboard buses saw activity along the road suggesting that the men who had headed for the woods were having a bad time of it.

Although the accounts are inconsistent in the details, those who could see, saw captured Muslim men along the side of the road:

- "I saw our men, mainly civilians, in two or three places. They were lined up in columns, two-by-two or three-by-three with their hands on the back of their necks. We looked at each other. I just saw these people standing in columns. Quite large columns."
- "I saw a bald man's body in military uniform on the side of the road, his throat slit. I wanted to look at him, but the Serbs started shooting, so we bent our heads down."
- "I saw hundreds of men with their hands tied to posts at Turbe. Then, at Konjevic Polje, I saw the fighting where our men were being ambushed. The convoy was stopped while the fighting was going on. I saw our men captured with their hands on the back of their heads. I saw another truck carrying dead bodies."
- "I saw our men on the side of the road in tee shirts and shorts watching our buses. The Chetniks were around them. I saw two fields. And each side of the road was filled with our men, young men, three or four hundred. I don't think their hands were tied. But I couldn't watch any longer. I didn't see anything else. The children were vomiting. I had to tend to them."
- "At Konjevic Polje, I saw a field covered with men sitting down, with their hands behind their necks. I saw a column of men standing two-by-two with their hands tied above their heads standing next to the road. Their bags and other belongings stood in a pile next to them. The men

were standing only in their underwear. The Chetniks made them give us the three fingered Chetnik salute. There were a lot of dogs around and a tank was pointed at our men."

In Tisca, the refugees were taken off the trucks and buses and told to walk down the road to Kladanj where they would be met by Bosnian government forces. The walk was uneventful.

Men and Boys: The Hellish Journey Out of Srebrenica Few men trusted UNPROFOR or the Serbs enough to take their chances with the women and children seeking refuge in Potocari. The overwhelming majority, both civilian and military, decided to head for the woods and a 60-mile journey through Bosnian-Serb-held territory to reach government lines.

Survivors of the trek differed in their estimates of the numbers of men and boys who started on the journey and what percentage carried weapons. Certainly no one stopped to count. Among people interviewed for this article, the estimates of the number who started on the journey ranged from 7,000 to 17,500. Most of the men interviewed said that they were unarmed. Estimates of the number who were armed ranged from 10 percent to 100 percent. The one man who said everyone was armed included knives and sticks in his definition of weapons. Those who did have weapons, usually had small arms, such as hunting rifles. One exception was a man in fatigues who said that he carried an automatic weapon, which, he said, he took from a Serb killed earlier in the war. "Without it," he said, "I'd be dead." The same man said, "Just a small part of us had weapons."

On July 10, the men and boys entered the woods together as one large group. During the first day, they moved quickly through the Srebrenica safe area. While still in the safe area, they did not encounter Serb soldiers, but were shelled. However, after they crossed into Serb-controlled territory, they ran into what would be the first of many Serb ambushes. The Serbs, shielded by trees, opened fire with automatic weapons at close range. Many were killed at that point. Those who survived that ambush and continued to move forward encountered a second ambush a little farther on. Carrying their wounded, the Muslims continued to move throughout the first night.

The two ambushes, as well as the disarray of the night retreat, caused the large group to break apart. Most of the men and boys who were captured or surrendered were taken that first day.

During that time (and throughout the journey), Serbs in civilian clothes would enter among the group, giving wrong directions and

sowing confusion. It was a tactic mentioned by all who were on the trek, although it may also have reflected the general level of fear and confusion in the retreat. A soldier still in uniform said, "We doubted everyone. We thought Chetniks were among us." Giving credence to this fear, however, was a sight that many reported: seeing bodies along the way with throats that had been slit.

Some said that the worst ambush was on the second day. "At Konjevic Polje, we were broken," said one. "That's where most of the killing happened. I lost my brother there."

Another said, "A lot of civilians without weapons were captured."

It appeared that the younger, stronger, and better armed plunged ahead in a group that maintained some semblance of order. But this apparently did not represent the majority who started on the trip who, by now, were dead, wounded, captured, or lost.

Lost, Wandering A 54-year-old man, a former engineer for a hydroelectric power station, was one of those who lost his way at this point. His three sons were in the main group; at the time of the interview, he had not yet heard whether any of them had survived. He wandered around until reaching the village of Kravice the following morning. There he encountered a "Chetnik" in civilian clothes on the road. The Serb was carrying a metal pipe. He beat the engineer on the top of his head, until he lost consciousness, and left him for dead. "When I woke up," he said, "I thought it would be good for me to move, as I was frightened another Chetnik might come for me and stab me or slit my throat. So I crawled about 100 meters from that spot and hid in the bushes."

Later, from the bushes, the engineer saw his attacker come back, searching for him. "I was very quiet; too frightened to breathe. He was telling me to come out, that he brought bread for me. I stayed hidden. He searched the area for about 10 or 15 minutes."

The engineer stayed in the bushes for the rest of that night. Then he went back to the site of the first ambush where he had lost his way. He retrieved the rucksack that he had dropped there, and found food to eat.

"I put on new clothing because my clothes were full of blood." He tried to move as fast as he could through the woods, but was slowed by pain and fatigue. When he stopped to sleep, he heard screaming and moaning from the direction he had already passed through.

By chance, he met up with a group of six other Muslim men from Srebrenica; they stayed in hiding for another two days. They ate mushrooms and used up what food they had carried in

with them. During those two days, their number grew to about 40 or 50.

Near Poljube the group was surrounded by Serbs who ordered them to surrender. Many of them did surrender, but the engineer was among those who had decided not to surrender at any cost, and he jumped into the bushes and ran away. A total of 7 men were left from that group. They found a school building and rested there until they again heard Serbs screaming a battle charge. The group divided in half, each going in opposite directions. He was now part of a group of three.

The next day they hid as a Serb patrol passed close by. "I heard them swearing at Muslims, saying they would castrate us. I don't know if they caught anyone; I kept my head down, I didn't see anything."

By now, he was so hungry that he decided to go back to Srebrenica. At certain points, during the night, he passed between Serb trenches. Upon reaching Srebrenica, he scavenged in the abandoned homes of the Muslim population for food. For the next several days, he passed through burned villages, scavenging what he could and heading toward Zepa.

He reached Zepa as the civilians there were being evacuated. He said that he lied about his age to be able to join the evacuation. His hair, though matted with dry blood, is completely white, and he could easily pass for being ten years older than he was. He said that the Serb soldiers did not want to let him on a bus, but that he moved to another bus and sat on the floor in the back.

General Mladic and two other soldiers entered the bus. Mladic told the passengers, "I tell you no one will mistreat you on the road. CNN is here. Do you have anything to say for CNN? Tell them if the Serbian army is raping your wives and children." Mladic said, "We're not so bad." The engineer recalled, "He wished us a good trip."

Unlike the buses leaving Srebrenica, the Zepa buses had UNPROFOR escorts and UNPROFOR soldiers aboard. The civilians leaving Zepa were not harassed until the last leg of the journey, where they crossed to the Bosnian government side on foot, after UNPROFOR had turned around with the empty buses.

One Group Plunges Forward The main body of men leaving Srebrenica continued forward, dazed, hungry, in many cases wounded, and terrorized. A man who worked as a miner before the war, who said that he was unarmed during the retreat, testified that when the group was deep inside Serbian-held territory, "We started to lose our minds." By this point, he already had a neck wound from shrapnel. He said that he thought the streams were poisoned in some

way, causing men to hallucinate and become disoriented. "I also went crazy from the water," he said. "I had madness, headaches, hallucinations. A lot of people went crazy. Men left the row, wandering off in no direction, and lost sense of time. One man committed suicide two meters from me."

Another man said, "The water was dirty, but we had to drink. Some said it was poisoned. I don't know. Madness got into people. I noticed some changes in myself, but nothing drastic. Everything felt like it was in a dream."

Another man said, "By the third day people started committing suicide, going crazy. A lot of them. I couldn't stop them. I couldn't help. Some men stripped their clothes off. One wandered ten meters off and detonated a grenade on himself. Some just stepped on land mines."

A soldier said, "A friend said to me, 'We are surrounded, we will not make it.' He asked me to kill him. I told him he was not wounded and had a chance to survive. But he was shelled. I lost him."

Another said, "People were going crazy. By the judgment of others, they poisoned the water. That didn't affect me, but the detonation of a shell had some effect on me. I felt unconscious. A friend took care of me. He cooled me down with water. After I had a rest, I carried on."

They ate mushrooms, leaves, and apples. Moving the wounded was the greatest challenge. "We all carried the wounded," said one man. "Everyone carried his own brother. A large number of the wounded stayed in the woods." Another said, "We tore our shirts to make bandages. We tried making stretchers. A lot surrendered. A lot are still in the woods."

The ambushes continued, as did the Serb tactic of sending Serbs within the Muslim ranks to sow confusion, misdirection, or throw grenades. The group moved mostly at night, trying to keep low during the day. Most agree that the ambushes were worse and more frequent the closer they got to Bosnian government lines.

The fourth day was much like the third. There was no more food. More people committed suicide.

By the fifth day, the main group, now numbering, at best, a third of the original group, was drawing close to the Bosnian government lines. During the day, they regrouped, allowing stragglers to catch up. But they knew that they would meet strong resistance in the final push. "The worst ambush I remember," said one man, "was at Lipje, about 25 kilometers from our line. We came to a valley, about 5,000 of us, where we were shelled. They threw everything at us. They used tanks, mine throwers, 7.5 millimeter rifles,

37 millimeter anti-aircraft guns. We had a lot of people killed. I saw three killed with one shell. I couldn't stop and look and count the dead. The wounded were crying for help."

The final hurdle, and for many the worst, came about two kilometers from Bosnian government territory, at Baljkovica. "The night before, we had a terrible hail storm, cold rain. We left a lot of people behind. They couldn't walk any more."

At that place, where they left the tired and wounded, the Serbs were already concentrating their artillery fire.

Just beyond Baljkovica on the road to Skovci, a large contingent of Serb soldiers with six tanks was waiting. Said one man, "That was the only way to pass through the area. There was no other way. We agreed among ourselves, who passes, passes, who dies, rests in peace."

Another said, "We had no choice but to rush the tanks. We screamed and rushed forward, about 2,000 of us all at once. We succeeded in capturing three of the tanks and turning them on the others. That's how we broke through at the end. I think less than half of our number made it to the end."

A soldier said, "By 3:00 that afternoon, we broke through Baljkovica. A lot of our people died there. That's what happened. We were smaller and smaller numbers, smaller groups were left behind. Some managed to go through the night. Some stepped on mines. Some were captured. We left a thousand behind at Baljkovica who were not capable of walking. Maybe they are still hiding in the woods, or maybe still struggling to get through. Today is the 16th or 17th day since we left. Five more came out yesterday."

The main surviving group that broke through walked for six days and nights before arriving to safety.

The survivors were stunned, defeated. "Now, so many have died," said one man, "no one is left to fight the war. I don't know where my father and brother are. A large number of people are mentally ill. Everyone is missing someone. Half of my family has been killed."

Escape from Zepa The refugees from Zepa, generally, were less traumatized by the journey itself. Unlike the Srebrenica refugees, the Zepa refugees had UNPROFOR soldiers accompanying them on the evacuation, as well as UNPROFOR vehicles at each end of the convoys.

After Srebrenica fell, Zepa was subjected to heavy shelling. Most of the residents had moved into the woods, since it was unsafe to remain in their houses. The woods were also

shelled, so most of the people dug small fox-holes and stayed in them. Finally, the women, children, and elderly were told by the commander of the Bosnian army forces to leave the woods and that they would be evacuated. Most of these people left their husbands, fathers, and brothers in the woods.

They came to the center of Zepa, and were sent to the mosque. They thought an agreement had been reached that UNPROFOR would protect them. There apparently was some doubt about that, however, after they had arrived. One woman died of a heart attack at that point, according to the refugees. "No one could have given her first aid," said one woman. "She died of fear."

Some of the refugees spoke disdainfully of the Ukrainian UNPROFOR contingent, which, they said, wanted to leave. They said that women had to lie down in their path to prevent these UNPROFOR troops from driving away. Refugees also complained of the fraternization between the Ukrainian troops and the Serbs, saying that the UNPROFOR soldiers greeted the Serbs with the three finger Serbian salute.

The civilians were loaded onto uncovered army trucks. General Mladic came to the convoy and spoke to some of the refugees. A woman recalled his saying, "Go and good luck, but we'll meet again to be sure."

As they left Zepa, Serb soldiers threw stones and insults at the passing vehicles. The trucks were described as "suffocating," and the journey for those in the first group out took nine hours.

The trucks dropped the civilians about six kilometers from the Kladanj checkpoint that separates Government-held territory from the Bosnian Serbs, and the Serbs told them to walk the rest of the way. The UNPROFOR escorts turned around and left the civilians at that point. As they walked toward the Bosnian government side, "Chetniks" appeared along the way, and began threatening and harassing them. They demanded gold and Deutsche Marks. Their most frequent tactic was to grab a small child or a baby and demand payment or threaten to kill the child. One woman showed where a Serb had cut her jacket with a knife, searching—successfully—for hidden money. Another woman said that a man had threatened to cut off her finger if she couldn't take off her ring herself and give it to him. Another woman said that she saw a man who had just died. "He was killed, but his arms and legs were still moving. I couldn't see if he was shot or his throat was cut. I didn't know him. It happened this morning as we were walking to this place."

ONE MAN'S JOURNEY

Refugee Reports interviewed a 51-year-old man from Vlasenica in a collective center in Mramor, north of Tuzla, on July 30. He had arrived two days earlier after a 19-day journey out of Srebrenica and Zepa. What follows is the account of his life and escape told in his own words:

I was first expelled from my home in Vlasenica in May 1992 at the beginning of the war. I worked in a factory there, and had never had any problems with my Serb neighbors and co-workers. Some Serb units from Novi Sad [in Serbia] came to the factory and based themselves there and said only Serbs could work there. For two months, I tried working at another factory that was an hour walk away. I worked there until April 30, when walking to my village I saw small weapons fire in all directions. I got to my house. An hour later, artillery started hitting our village. Three hundred of us fled the village and headed for the Lisina Mountains. I lost all my sheep; they burnt my house. For the moment, my family was safe, but some of my neighbors were killed in the shelling. In the mountains were all the Muslims from about 15 villages in our area, all about the same size. We went together to Srebrenica municipality. There we stayed in one man's house with five other refugee families. We stayed there for three months. It was too small for all of us, so I went into the woods and built a cottage for my family.

After [former UNPROFOR Commander, French General Philippe] Morillon came and made Srebrenica a safe area, he built the Swedish village. We moved there. Serb lines were quite close, but it was all right. After Morillon, it was the first time we had enough food. The second half of 1994, food deliveries were irregular, and we were hungry.

Our recent troubles started when we saw Chetnik foot patrols. They came shooting, and a lot were killed. They came into the Swedish village. The whole civilian population moved to Potocari [the UNPROFOR compound just north of Srebrenica]. I am 51 [too young to be considered automatically as an elderly civilian]. I decided to go to the woods.

We started as quite a large group. Within the whole group, I was with a group of 200. We had 20 "civilian guns" between us [i.e., hunting rifles, pistols—not military weapons]. I had no weapon.

We were shelled from the start. A lot of men died. One hour into Serb territory, we

were ambushed. They fired at us from the trees. A lot of people were killed.

Nobody surrendered. We kept moving. We carried our wounded and left the dead. We moved forward, but there were other groups ahead of us, and they were being ambushed in front, and, then, we were ambushed again. This was worse. The larger number of us were killed. We tried moving up the hill away from the shooting, but they kept shooting at us as we climbed the hill.

This was still the first day we left Srebrenica. We were there all night. We had a lot of wounded. We were supposed to get to some hill. There was a larger group of people we were supposed to meet there.

On the way, Serbs in civilian clothes came between us. Some told us they knew the way, and would take us through. We followed them. When we came to this hill at about midnight, they told us to stay there a little while and rest. We stayed there for about two or three hours, tearing our clothing to make bandages for the wounded.

After about three hours, shooting started from all around. We were surrounded, and the Serbs said we should surrender. I started to panic. I didn't know what to do. One of their civilians from their Special Forces came to negotiate our surrender. They kept negotiating until 8:00 in the morning. They told us to give up our 20 civilian guns and that we would be led to wherever we wanted to go. We surrendered. We gave up our guns. They took all of our documents, all our money, and any food we had left. They said they would take us out.

They ordered us to form ourselves in a line to make a letter C and to put our wounded in the center. I thought we would be shot there. I decided to run away. It was just me alone. I started running, and somebody shot at me. I came to a field where I couldn't step on the ground because it was covered with dead bodies. They were shooting at me again. I turned to the side and ran towards the woods. I ran into the woods and continued running for about an hour.

I came to another field with a lot of high weeds. I lay down and fell asleep. It was about 2:00 in the afternoon of the second day.

Someone lifted me by the hair. I looked up. A Chetnik in civilian clothes had me. I screamed and started struggling, going for his head. I was frightened, which gave me additional strength. I broke free and started

to run again. He did not shoot at me that time. I ran for another hour until I went into another woods. I wanted to sit. I didn't know where I was or what direction I was going in. I was completely alone. I had no food. Nothing. The night came again. In the dark, I could feel people moving on both sides of me, but I sat still. I couldn't tell if it was our men or theirs. I was too frightened to identify myself. I just noted that they moved slowly and quietly. Finally, I saw that they were Chetniks. I jumped and started running again, but I came to a rock and fell, maybe 100 meters, down a hill on stony ground. At the bottom was a river. I started walking against the flow towards a big mountain in front of me.

On my third day, I walked to the Serb village of Kravica. I turned to avoid it, but ran into where their trenches are at Rogaci. They saw me, and started firing artillery guns at me. I was very confused and started running toward the mountain again. I spent that night in the woods, completely disoriented. I had eaten nothing. I was very ill. I ached all over. I couldn't walk. I hid myself in the grass and slept. In the evening, they started shelling. I couldn't move. I stayed there.

The next day, I moved only about 200 to 300 meters to Potok, a place that was being shelled a lot. I saw Chetnik foot patrols. I couldn't run. I hid in the bushes. They came quite close, but didn't see me. I spent the night there. I couldn't walk any farther.

The next day, I decided to try to find the way our group went. I started moving where the grass had been flattened, following where others had gone before. It had been a large group of people. There were a lot of bodies. I followed this trail to the village of Pobude. Night fell again.

It rained that night. Icy, hail. I was very wet. I couldn't move any more. In the morning, I was hungry and tired. I couldn't walk in any direction. I was wet. I came to a hill where the sun was shining. I found some mushrooms, and started to eat them. I was sitting there by the ridge, trying to dry my wet clothes. A man emerged from the woods in civilian clothes and rucksack. He was about 60 years old. He asked me what I was doing there. I said that I didn't know myself. He took out a knife from his belt and said he would kill me.

I said to him, "Why would you kill me? I haven't done anything to you."

He said, "You are all surrounded. There is nowhere you can go. All who are caught will be killed."

I started running again. I don't know if he chased me or not. But I ran down a hill, and

when I reached the bottom, he wasn't there. I came to a river there and just started crying. I thought there was no way out for me.

I decided then to go back to Potocari to try to surrender myself to UNPROFOR. But I didn't know which way to go. I saw a big electric cable, and decided to follow it to wherever it would go. I walked all day.

Finally, I came to the Serb front lines around Srebrenica. I had to crawl on my stomach to get past them. I went between their trenches and through a mine field. I went through that mine field to the village of Jaglici, which is where our group had started from on the journey to Tuzla.

Now, I was able to orient myself on how to reach the UNPROFOR compound. I didn't know then that UNPROFOR had surrendered. I walked six or seven hours to the UNPROFOR base. All of the villages I passed through were burned.

I came to Potocari. I saw lights on in their compound. I thought I was saved. I jumped over the fence. I saw their guards. Four Dutch guards came up to me, telling me to stop. I put my hands up, so that they could come and search me for weapons. Since they found I had nothing but my clothes, they asked me who I was. I told them I was a Muslim. They asked what I wanted. I told them I wanted to surrender to them.

They said, "UNPROFOR is not here."

I sat there and cried.

Nobody else was inside the compound. All the civilians were gone. The Dutch guards then threw me out. They didn't even give me food.

Daylight came. I was too frightened to go anywhere, so I found a corn field behind the compound. I went there to hide during the day. There were bodies in the field. I was scared I would be killed in the corn field. I was lucky that I survived this day and that nobody found me. All day I could smell the smell of dead bodies.

That night, I went back to the factory where UNPROFOR was based. I was hoping I could find something to eat. I found a tin. I also found the body of a man whose throat had been slit, and who also had cuts on his stomach and arm.

I left, heading in the direction of Sutjeska. About 200 meters from the UNPROFOR compound I came to a field. There was a river near it. And in the field and along the river bank were hundreds of decapitated bodies. All of the bodies I saw were decapitated, heads on one side, bodies on the other. All of the bodies were men. They were in civilian clothing.

I was very scared. I thought the same

thing would happen to me. I walked to Sutjeska. I traveled all night, and came to the mountains. I think it was the tenth day of my traveling.

In daylight, I came to an abandoned house that hadn't been burned down. There were still dishes inside, and a stove. I found a two-kilo bag of wheat flour. I was lucky for that wheat flour. I made a fire with a flint, and baked bread. I had one piece of bread, then started losing consciousness. I don't know how long I was out, but when I woke up, I had collected my strength again.

I walked toward Zepa through the mountains. I walked two days to Zepa. When I arrived there, I didn't know what was going on. But when I came to a house, and saw Muslim women standing in front of it, I started crying, both out of sadness and happiness. When I got to within 50 meters of this house, they could see that I wasn't walking well. They came out and helped me, and brought me inside. They gave me a glass of milk. They took my clothes, and put my feet in hot water. I had many cuts and blisters. They gave me a small bread and told me to wait a couple of hours before eating more.

They found a man to take me to Krusev Dol, where they could give me first aid. They put liquid on my legs and changed my clothes. I spent two days there. After two days, I could stand on my feet again.

A lot of artillery was falling on Zepa then. And three days after I arrived, Zepa fell. I decided to go with the group of civilians who were going to Zepa to surrender. I walked all day to Zepa. I had no more documents, and told them I was older than I was.

The first convoy had about 20 Serb buses and trucks and four UNPROFOR trucks. I didn't get on that convoy. After they left, it was very confusing. About 5:00 in the afternoon, UNPROFOR tried to run away from Zepa. Women and children laid down in the road to block them from leaving. They blocked the road in front of the APCs [armored personnel carriers].

At that moment, a group of Chetniks came up to the civilians; they were fully armed. Some people started panicking. Some fainted. Several minutes later, [General Ratko] Mladic arrived and told people not to panic.

UNPROFOR started shooting a water hose at people to push them back, knocking some people to the ground. Our commander, Avdo Palic, came and began negotiating with Mladic to keep his people away from us. Mladic and his army moved a little bit. By

10:00 or 11:00 o'clock that night, four buses and about 15 trucks arrived to carry about 1,000 people out. I started to get on one of the trucks, but I recognized a Serb on it from my village who knew how old I was. So, I went from there to one of the buses, and got on that one.

As the convoy went through the woods, we saw the Chetnik army on the side of the road. They swore at us and called us names. They told the drivers to stop and threw stones at us. There was someone in a UN uniform on the bus. I think he was Russian or Ukrainian. He did not carry a weapon. There was a Chetnik soldier on the bus who had a gun. The bus stopped several times. Once we waited in the dark for two-and-a-half hours.

We came to a place near Kladanj where they told us to get off the bus. There was a large group of armed Serbs there, regular army. They told us which direction to walk to the confrontation line. I think it was about two kilometers. As we walked there, Chetniks came among us telling us to give them our gold and money. There was a woman with a baby. I saw them take her necklace.

They said to me to give them money. They said they would slit my throat. I told them I had nothing. That man kicked me. I fell down. I thought he wanted me on the ground to kill me. But he told me to stand up. I got up, and he started yelling curses at me. The woman behind me gave them 500 Deutsche Marks.

At the last Serb checkpoint, there was a ramp on the road. The Serbs were standing there, and we had to crawl down to pass by them. They told us the road was mined.

We went on about a half kilometer, and reached Kladanj. There UNHCR gave us drinks and let us rest in tents. I went to the information tent to see if I could find out about my family. They brought me to Tuzla because I said I had family here.

I have spent the last two days looking for my family. I found one daughter-in-law. She told me that my daughter and her baby are in Zenica. I also found out that one of my sons is in the hospital, seriously wounded. I heard that another of my sons was also wounded. I can't find my wife.

I need to bring my family together. I would prefer to live where I was born if the conditions allowed that. They should let us live where I belong, where I was born, that's the best place. But I can't see it.

I would wish for our people to stay together, even if we must leave, if we only stay together. We should fight for Tuzla. But when we have to go, let's go together.

CONDITIONS OF REFUGE IN TUZLA

Tuzla, like Sarajevo, has had a well-deserved reputation as one of the last bastions of ethnic tolerance and multiculturalism in Bosnia. The influx of Muslim refugees from Srebrenica, however, not only tips the canton's ethnic demographics, but also, the character of the refugees tends to be more rural and parochial than the pre-existing city population. Many openly worry that the new arrivals will upset the delicate political balance in Tuzla, and create strains that will result in further displacement from the area.

The most immediate cause of strain is housing. Prior to the fall of Srebrenica and Zepa, Tuzla was already jammed with about 237,000 displaced persons from three years of war and ethnic cleansing on top of a base population of about 600,000, of whom 193,000 are listed by UNHCR as "war affected" and dependent on outside assistance.

In a departure from previous practice, the initial response of local authorities was to create a tent camp for the arriving refugees from Srebrenica. This touched off an immediate controversy between the UN High Commissioner for Refugees (UNHCR) and the Bosnian government, with UNHCR contending that the location of the camp on the Tuzla airbase put the refugees in danger of shelling. UNHCR officials suggested that sufficient accommodations were available in the area, but that the government was placing the displaced on the airfield to make a more visible political point about international responsibility to care for them.

The controversy, however, seemed somewhat more complex than that. Although they would not say it outright, municipal authorities in Tuzla suggested to *Refugee Reports* that they differed with the national government's approach to the displaced on the airfield. Putting aside the question of whether or not sufficient accommodations could be found quickly enough in the Tuzla compound, they said that there were sufficient barracks on the airport compound itself to support the 6,000 displaced persons being accommodated in tents, and that, in barracks, they would be less exposed to the elements and to shelling.

Most of the displaced from Srebrenica were, in fact, moved quickly to collective centers, such as schools and other public buildings, and private accommodations.

And, within days, the number in collective housing had been reduced by about half, as many found friends, relatives, or others willing to take them in, at least temporarily, in private homes. According to Semsudin

Hasanbegovic, the Minister for Work, Social Welfare, and Refugees for the Canton of Tuzla, a total of 9,804 displaced persons were registered at the collective centers, as of July 29. He said that another 17,137 displaced persons were in private accommodations.

At the end of July, UNHCR and local officials reached an agreement whereby UNHCR would provide additional food and fuel rations for families agreeing to take in displaced persons. Although the availability of any space in people's homes in the area is limited, this should encourage those who have some space to try to squeeze a few more in.

Srebrenica's population had been estimated at about 42,000, based on a 1993 census. A large number of that population was still unaccounted for in the days following the fall of Srebrenica.

Zepa's population was estimated to be closer to 10,000 to 12,000. Displaced persons from Zepa were being sent to the central Bosnian town of Zenica, except for those who asked to be settled elsewhere in order to reunite and live with relatives in other locations.

The Tuzla Airbase The tent camp established at the UN airbase in Tuzla is very much a temporary expedient. The refugees there had yet to have a hot meal, eating MRE's (meals ready to eat) exclusively.

The airbase is surrounded by hills controlled by the Bosnian Serbs. The refugees in their white tents would make an easy target for anyone wanting a concentration of civilians to maximize casualties. In May, a shell directed at Tuzla's town center killed more than 70.

The viability of the airbase as a holding facility also depends on the weather. Fortunately, the weather was good for the first two weeks of the camp's existence. However, on July 30, after a day of rain, much of the camp had been reduced to mud, water had soaked into the tents, and the refugees were miserable.

Refugee complaints about the camp centered on the lack of any hot food, but also included inadequate clothing, especially shoes and underwear. Women at the camp complained that they did not have privacy for bathing.

A Bosnian aid worker with BOSPO, the Bosnian Committee for Help, a local NGO funded in part by the Danish Refugee Council, said, "We have been here 15 days now, and see no improvement. The people are suffering. Their psychological situation is bad. There is a lot of diarrhea; a large number of children have



Rain reduces the tent camp at the Tuzla airfield to a sea of mud. Photo: USCR/B. Fretlick

there aren't enough blankets. We haven't been told what to do in case of shelling. The bomb shelters are not close by."

Perhaps what works best at the airport camp is the information tent. Refugees see it as their lifeline. They go there in the hope of locating missing family members. Aid workers there collect information from the refugees and provide them with whatever information becomes available. Unfortunately, for most of the people, there simply is no information about missing loved ones.

Collective Centers The collective centers in the Tuzla area, generally, were overcrowded. One, the Sisici collective center near Banovici, housed 150 people—mostly children—in one room. Sanitation facilities were makeshift.

The collective centers, whether small, one-room facilities, or large, multi-storied school buildings, looked grim, dirty, and uninviting.

People living in the collective centers were free to come and go. Weather permitting, most spent their days outside the buildings, in some cases visiting with local relatives who had come to visit, having been cut-off from people in the isolated enclaves for the past couple of years.

Lists of men who had survived the trek

through the woods were posted on doorways. Hot food was trucked in by UNPROFOR.

Some of the refugees have refused to move from the airbase camp because of the fear that collective centers are located too close to the front lines. A bus came to bring refugees to Brcko, and they wouldn't go.

The Need for Permanent Housing Very few people, even among the displaced persons, see any prospect that they will be able to return to their homes in the Srebrenica and Zepa enclaves.

Before the approach of winter, even before the new school year, the refugees need to be moved out of tents and collective centers and into private homes.

UNHCR has been working to identify more collective center space that might be utilized in the Tuzla and Zenica areas. However, the Bosnian government prefers to place displaced persons in private accommodations, in many cases in what is called "cleansed housing"—the houses of Serbs (and some Croats) who have moved out of or been forced from predominantly Muslim areas. A UN source said, "That's a show stopper for us."

Hasanbegovic said, "Our wish is that every family gets accommodations with a piece

every family gets accommodations with a piece of land to carry on agricultural work." He said that he did not want people to be dependent on humanitarian assistance. He suggested that three abandoned Serb villages, Bukvik, Cerik, and Smolvca, could accommodate most of the displaced from Srebrenica, and provide enough fertile land for the displaced to re-establish themselves.

The question really boils down to whether ethnic cleansing, at this point, should be recognized as a fait accompli, a permanent exchange of populations that will not be reversed.

The International Rescue Committee (IRC), the American NGO most involved in

Bosnia, and one that specializes in shelter rehabilitation, has debated this point internally. An IRC aid worker in Tuzla said, "We looked into this about a year ago and said 'No.' Now, we are reconsidering it." She said, "We would only rehabilitate abandoned homes if it was understood that they would belong to the original owners if they ever returned."

IRC is already fixing up Dobosnica, a Muslim village near Smolvca, that was destroyed as the Serbs left Smolvca. In that case, the original owners will be able to reclaim their homes. But if Smolvca itself is rehabilitated, it will be for the Muslim displaced from Srebrenica, and the ethnic cleansing will look like a permanent reality.

"YOU WILL BE THE VICTIMS OF THIS WAR"

In March 1993, two months before the United Nations declared Zepa to be a "safe area," and more than two years before it finally fell to Serb forces, the local Serb commander asked UNPROFOR personnel to carry a letter to the local Bosnian army commander, Avdo Palic (referred to on p. 11 of this issue). Refugee Reports acquired a copy of that letter, translated below, from a passenger on that UNPROFOR convoy.

My dear brother, Commander Palic,

I recall with sadness our youthful days together at school and on the football field. However, these are new times, and I must tell you the following: You are completely surrounded; you have no outside help; you have no escape route; your men's families have no support; your people are in grave danger; you are in no position to set conditions; the Muslim army is being defeated in eastern Bosnia; you have no access to accurate information.

In the end, you will be the victims of this war. The people of Sarajevo will never defend the people of Zepa. Do not misunderstand the airdrops and convoys; the Americans will never rescue you. I am not the enemy of the Muslim people, but I am the enemy of those who wish to make the Serbs slaves.

There may be no future in our living together; however, you will be celebrated if you make the right decision on behalf of your people. Stop fighting and take your people to the industrial cities in the west [of Bosnia]. You have chosen the wrong place to fight. You should move your people to central

Bosnia by using the corridors that we could open for you. Forget the American food. Don't beg for mercy, just leave in the safe way. Europe and America will never help you or help Islam spread.

Surrender your arms and leave Zepa, or become loyal to our government—it is your last hope. This is my advice to you; you may later remember this as your last chance. I can be a better friend to you than the Americans. If you keep thinking that you have democracy in your valley, remember what use is it if you live in caves? I remember how difficult your childhood was and how hard it was to go to school. You were an orphan without help. Get some sense.

Come and see me tonight in Sjeversko while the convoy is being unloaded. I guarantee your safety; no one would benefit from your death. It would be beyond decency to harm you. You should take advantage of the opportunity while UNPROFOR is there. I can help you to allow your people to leave the valley. Let's make peace and once again we can play football together...maybe at Barike.

If you don't make the decision tonight, I am ready to meet you anywhere, at any time. Otherwise, if you do not make the right decision, we shall capture the valley and take you as a prisoner-of-war.

With affection,
Lieutenant-Commander Rajko Kusic

Note: On July 30, 1995, following the fall of Zepa, The Washington Post reported that General Ratko Mladic, commander of Bosnian Serb forces, had told the UN that he had ordered Avdo Palic, to whom this letter is addressed, to be executed.

BOSNIA AND HERCEGOVINA

REGION	DISPLACED	WAR-AFFECTED	TOTAL*
Banja Luka	183,000	100,000	283,000
Bihac	65,000	140,000	205,000
Eastern Bosnia	248,000	224,000	472,000
Sarajevo	140,000	300,000	440,000
Southern Bosnia	106,000	202,000	308,000
Tuzla	237,000	193,000	430,000
Zenica	348,000	263,000	611,000
TOTAL	1,327,000	1,422,000	2,749,000

Figures rounded to nearest 1,000 persons.

* Figures above are compiled by local authorities in each region.

Source: UN High Commissioner for Refugees.

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UNHCR REFUGEE RESETTLEMENT REFERRAL CRITERIA

UNHCR's refugee resettlement referral criteria are as follows:

—persons who are facing compelling security concerns in countries of first asylum, in need of legal protection because of dangers of refoulement, or who are in danger due to threats of armed attack in areas where they are located;

—former political prisoners:

—women-at-risk, victims of torture or violence, physically or mentally disabled persons, and persons in urgent need of medical treatment not available in the country of first asylum; and

—persons for whom other durable solutions are not feasible and whose status in the place of asylum does not present a satisfactory long-term solution.

In comparison the U.S. criteria for consideration for the Bosnian admissions program are as follows:

—vulnerable Bosnian Muslims referred by UNHCR such as women victims of violence, torture victims, and other individuals identified as requiring resettlement in the United States. (On a case-by-case basis, non-Muslims referred by UNHCR can also be considered.) In addition, vulnerable Bosnians in mixed marriages of any ethnic group referred for resettlement by UNHCR will be considered.

—Bosnian Muslims who have relatives (parents, spouses, children, siblings, aunts/uncles, nephews/nieces, first cousins, grandchildren, grandparents) in the United States who are either U.S. citizens, lawful permanent residents, refugees, asylees, temporary resident aliens, conditional aliens and members of certain groups of parolees may apply directly to the U.S. resettlement program.

—parents and siblings of minor U.S. citizen children who have been displaced by the conflict in Bosnia-Herzegovina may apply directly to the U.S. resettlement program; and

—on an exceptional basis non-Muslim Bosnians referred by UNHCR may be considered for admission.

EASTERN EUROPE
Bosnian Admissions

Question

Who is eligible to apply for refugee admission to the U.S. from Bosnia?

Answer

- o The following category of Bosnians are eligible to apply for admission:
 - Vulnerable Bosnian Muslims referred by UNHCR such as women victims of violence, torture victims, and other individuals identified as requiring resettlement in the U.S. (On a case-by-case basis, non-Muslim vulnerables referred by UNHCR can also be considered.) In addition, vulnerable Bosnians in mixed marriages of any ethnic group referred for resettlement by UNHCR will be considered.
- o -- Bosnian Muslim relatives (parents, spouses, children, siblings, aunts/uncles, nephews/nieces, first cousins, grandchildren, grandparents) of U.S. citizens, lawful permanent residents, refugees, asylees, temporary resident aliens, conditional aliens and members of certain groups of parolees.
- o -- Parents and siblings of minor U.S. citizen children who have been displaced by the conflict in Bosnia-Herzegovina.
- o -- On an exceptional basis non-Muslim Bosnians referred by UNHCR may be considered for admission.
- o Until recently, most Bosnian refugee processing took place in Zagreb, Croatia. However, due to recent fighting in the Zagreb area, processing in Croatia has been in Varazdin and Split. In addition, persons falling within the categories of interview eligibility may apply at other refugee processing posts. In Europe, these posts are Belgrade, Rome, Vienna, Frankfurt, Madrid, Athens and Istanbul.
- o We expect the admission of at least 7,000 Bosnians this fiscal year. The proposed FY-96 ceiling of 45,000 for the former Soviet Union and Eastern Europe, as well as 5,000 numbers proposed for the unallocated reserve, provides sufficient numbers for expanded Bosnian processing if country conditions warrant.
- o The U.S. has also granted Temporary Protected Status (TPS) to persons from Bosnia-Herzegovina who were already in the United States on August 10, 1992. TPS allows these persons to remain here until it is safe for them to return home. We estimate that some 400 Bosnians are currently beneficiaries of TPS.

UNHCR REFERRAL CRITERIA:

In summary, UNHCR referral criteria are as follows:

- identified persons who are facing compelling security concerns in countries of first asylum, in need of legal protection because of dangers of refoulement, or who are in danger due to threats of armed attack in areas where they are located;
- former political prisoners;
- identified persons, including women-at-risk, victims of torture or violence, physically or mentally disabled persons, and persons in urgent need of medical treatment not available in the country of first asylum;
- identified persons for whom other durable solutions are not feasible and whose status in the place of asylum does not present a satisfactory long-term solution.

UNHCR is currently reviewing its referral criteria to define more clearly how they are to be applied. UNHCR in Geneva plans to issue a document by the end of the calendar year with these clarifications. The document will assist personnel in the field in identifying referrals more consistently and fairly.



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